

# Student Handbook

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## Complete Handbook

Saint Mary's College of California

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# Saint Mary's College of California

## 2011-2012 Undergraduate Student Handbook

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*This handbook has been prepared for the undergraduate students, faculty, and staff of Saint Mary's College of California, and others wishing to know more about College policies, procedures, programs, and activities. While every effort has been made to make certain that the information contained herein is accurate as of the date of printing (February, 2012), please refer to [www.stmarys-ca.edu/studenthandbook](http://www.stmarys-ca.edu/studenthandbook) for the current version of this handbook. Saint Mary's College of California reserves the right to correct errors and to make changes in policies, procedures, programs, and/or activities (without prior notice) as it deems appropriate and in the best interest of the College.*

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# Undergraduate Student Code of Conduct

## **PREAMBLE**

As a community that celebrates its Catholic, Lasallian, and Liberal Arts traditions and receives inspiration in the life of our Founder, Saint John Baptist de La Salle, Saint Mary's College expresses these values in specific and intentional ways. The five Lasallian Core Principles of Faith in the Presence of God, Respect for All Persons, Inclusive Community, Quality Education, and Concern for the Poor and Social Justice give direction to and find expression among the College community. These five Lasallian Core Principles provide the framework through which our students conduct themselves and are consistent with College policies.

The general principles governing community life at Saint Mary's College are guided and informed by the Mission Statement of the College. All members of the College community are expected to read and have a working knowledge of its principles. The *Code of Conduct* and student discipline process are intended to:

- create a responsible, civil and intellectual educational community;
- promote the respect of College and individual property;
- create an environment in which all members of the community are treated with dignity and respect; and
- provide an environment that facilitates intellectual, personal and spiritual development.

By voluntarily choosing to affiliate with the College, students are presumed to have knowledge of and have accepted the responsibilities outlined in the *Code of Conduct*, other College policies and the student discipline process. Claiming not to know the *Code of Conduct*, other College policies and the student discipline process is not considered a legitimate excuse or defense for violations of the *Code of Conduct* or other College policies.

## **ARTICLE I: DEFINITIONS**

1. "College" means Saint Mary's College of California.
2. "Code" means the Undergraduate Code of Conduct.
3. "Handbook" means the 2010-2011 Undergraduate Student Handbook.
4. "Student" includes any person participating in the traditional undergraduate program by taking courses at the College, either full-time or part-time, taking credit/no credit classes, or having resident or non-resident status, including when studying abroad in connection with a College-sponsored program. Persons who withdraw after allegedly violating the Code, who are not officially enrolled for a particular term but who have a continuing relationship with the College or who have been notified of their acceptance for admission are considered students.
5. "College official" includes any person employed by the College and who is acting within the course and scope of his or her College employment or leadership role (e.g., Resident Advisor).
6. "Campus" includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the College.
7. "Day" means a day when the College is open for business, regardless of whether classes are in session. In determining deadlines as set forth in the student discipline process, reference to number of "days" prior to or after an occurrence of an event shall not include the day of the event.
8. "Organization" means any number of persons who have complied with the formal requirements for College recognition.
9. "Hearing Officer" means a College official authorized on a case-by-case basis by the Dean of Students, or designee, to impose sanctions upon any student(s) found to have violated the Code or other College policy. The Dean of Students, or designee, may authorize a Hearing Officer to serve simultaneously as a Hearing Officer or one of the members of the Disciplinary Hearing

Board.

10. "Discipline Hearing Board," or "DHB," means any person(s) authorized by the Dean of Students, or designee, to determine whether a student has violated the Code or other College policy and to recommend sanctions that may be imposed when a rules violation has been committed.
11. "Peer Council" means any student(s) authorized by the Dean of Students, or designee, to determine whether a student has violated the Code or other College policy and to recommend sanctions that may be imposed when a rules violation has been committed.
12. "Appeal Board" means any person(s) authorized by the Dean of Students, or designee, to consider an appeal from a student discipline process determination as to whether a student has violated the Code or from the sanctions imposed by the Hearing Officer, Peer Council or Discipline Hearing Board.
13. "Shall" and "will" are used interchangeably in this Handbook, and are intended to have the same meaning, i.e., to express a certainty of outcome, a requirement, or an absence of discretion or choice.
14. "Possession" is interpreted as being in the known presence of articles. Students encountered in locations where drugs, alcohol, weapons or explosives, or other misconduct is evident will normally be considered in violation, even if they do not have the prohibited items on their person at the time they are encountered.
15. "Policy" means the written regulations of the College as found in, but not limited to, the Code, Undergraduate Student Handbook, the College Catalog, the College web page and Technology Use policy, and Undergraduate Catalogs.
16. "Complainant" means any person who submits, either orally or written, a report of conduct alleging a violation of the Code and/or College Policy. When a student believes that s/he has been a victim of another student's misconduct, the student who believes s/he has been a victim will have the same rights under this Code as are provided to the Complainant, even if another member of the College community submitted the report of conduct itself.
17. "Respondent" means any student accused of engaging in conduct in violation of this Code or other College policy.
18. The Dean of Students is that person designated by the College President to be responsible for the administration of the Student Code.

## **ARTICLE II: CODE OF CONDUCT AUTHORITY**

1. The authority to enforce the Code and other College policies is delegated by the President to the Provost and by the Provost to the Vice Provost for Student Life and then to the Dean of Students, who, is charged with overseeing and administering the student discipline process. The Dean of Students, or designee, shall determine the composition of the pools of the Peer Council panels, Disciplinary Hearing Board panels and Appeal Boards. The Dean of Students, or designee, determines which Hearing Officers, Peer Council panel, Disciplinary Hearing Board panel members or Appeal Board members shall be authorized to hear each matter.
2. The Dean of Students, or designee, shall develop policies for the administration of the student discipline system and procedural rules for the conduct of hearings, Peer Council panels, Disciplinary Hearing Board panels, and Appeal Boards that are consistent with provisions of the Code and/or other College policies.
3. Decisions made by a hearing officer, Peer Council panel, and/or Disciplinary Hearing Board panel shall be final, pending the conclusion of the normal appeal process.

## ARTICLE III: PROSCRIBED CONDUCT

### A. Jurisdiction of the Code of Conduct

The Code shall apply to conduct that occurs on campus, at College sponsored activities, and to off-campus conduct that adversely affects the College environment and/or the pursuit of the College community's objectives. Each student shall be responsible for his/her conduct from the time of enrollment for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment. The Code shall apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending. The Dean of Students, or designee, shall decide whether the Code shall be applied to conduct occurring off campus, on a case by case basis, in his/her sole discretion.

Students of the College living off-campus are expected to conduct themselves as mature and responsible members of the city/town of where they reside. As such, they are responsible for upholding all state and city/town laws and ordinances, especially those relating to noise, traffic, parking, zoning, and consumption of alcohol. In addition, students are expected to foster an atmosphere which nurtures positive educational pursuits and the development of understanding and tolerance of all persons. .

### B. Conduct—Rules and Regulations

Students are subject to disciplinary sanctions when acting contrarily to the general principles outlined in the Code's Preamble. Included are violations of any College policy, rule, or regulation published in hard copy or available electronically on the College website or violation of any federal, state or local law. The commission, aiding, abetting, attempting, inciting, and/or complicity in of any of the following constitutes an offense for which a student or student organization may be subject to the student discipline process. This list does not define misconduct in exhaustive terms and may not describe all potential violations. Examples of specific incidents of contrary action are outlined below.

1. Acts of **dishonesty**, including but not limited to the following:
  - a. Furnishing false information to any College official, staff or faculty member, or department.
  - b. Forgery, alteration, or misuse of any College document, record, or instrument of identification.
  - c. Possessing or distributing unauthorized College keys.
2. All members of the College community are entitled to be a part of and are responsible for maintaining an environment of civility that fosters respect, peace, self- dignity, tolerance, and freedom of expression. Therefore, the community expects that students will avoid **disruptive conduct** that includes, but is not limited to action that impairs, interferes with or obstructs the orderly conduct, processes and functions of the College and covers acts and attempted acts, regardless of whether the act or attempt was deliberate and whether the potential outcome was intended.
  - a. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other College activities either on or off campus.
  - b. Self destructive conduct that may endanger not only the person acting in that manner, but also impacts the entire community. The College will take into account factors that impact or cause such conduct including, but not limited to, suicidal ideation, threats or attempts, eating disorders and cutting and other self- mutilation.
  - c. Interference with the freedom of movement or speech of any person or guest of the College.

- d. Interference with the rights of others to enter, use or leave any College facility, service or activity, or inappropriate or disruptive behavior in the classroom.
  - e. Intentional misuse, disabling of or tampering with any fire alarm, fire fighting or safety equipment or issuing, falsely or not, a bomb threat or other warning of impending disaster is prohibited.
  - f. Hindering another's exit or failing to exit during an alarm or evacuation or intentionally starting or attempting to start a fire on campus is prohibited.
3. The College endeavors to be a community that nurtures the growth and development of all of its members, demonstrates respect for one another, is sensitive to differences, and engages in interactions based on a standard of fairness. Therefore, the community expects that students will avoid conduct that is **disorderly** in nature which subsequently threatens, harms or interferes with members of the College community, including but not limited to, conduct such as:
- a. Physical abuse, verbal abuse, threats, intimidation, harassment, coercion, and/or other conduct which threatens or endangers the health or safety of any person.
  - b. Violence, being unruly, disturbing the peace and/or fighting.
  - c. Public intoxication.
  - d. Indecent or obscene conduct, whether on or off campus, including, but not limited to, in person communication, third party communication, and/or electronic communication.
  - e. Hosting guests who act in a disorderly or disruptive manner.
  - f. Aiding, abetting, or procuring another person to breach the peace on campus or at functions sponsored by, or participated in by, the College or members.
  - g. Conduct toward another student and/or employee that has the observable effect of unreasonably interfering with that individual's ability to work or to participate in the educational benefits at the College.
4. College community members are expected to respect College property, the private property of other members of the College community and the property of the larger community in which we live. **Damage to property, vandalism and unauthorized use** includes, but is not limited to:
- a. Damaging, vandalizing or tampering with property owned, operated or controlled by the College or one of its members (i.e. students, faculty, staff or visitor) is prohibited. The theft, attempted theft, or the unauthorized use or possession of property or services owned or controlled by an individual or the College regardless of location.
  - b. The entry of, or attempt to enter, any College owned or operated building or facility without authorization or a legal right to do so, or except with such authority or right, against the will of the occupant or the individual in charge of the building or facility. Unauthorized presence on, in or within any building or property owned or operated by the College, including roofs, balconies or other areas that are not designated as acceptable.
  - c. Unauthorized possession, duplication or use of keys to any College premises or unauthorized entry to or use of College campus.
5. **Hazing**, defined as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. The expressed or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are violations of this rule.
6. **Failure to comply** with directions of College officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.



7. The sale, use, possession, manufacturing, or distribution of **illegal drugs**, or being under the influence of controlled substances or illegal drugs, and/or the sale, use, manufacturing or distribution of drug paraphernalia, except as permitted by law or College policy (refer to Alcohol & Other Drugs Policy).
8. The sale, use, possession, or distribution of alcohol or being under the influence of **alcohol**, except as permitted by law or College policy (refer to Alcohol & Other Drugs Policy).
9. Knowledge of or the possession of firearms, explosives, other weapons, or dangerous chemicals on College premises or use of any such item in a manner that harms, threatens or causes fear to others.
  - a. **Weapons** include, but are not limited to, studded wristbands, nunchakus, firearms, replica weapons, knives, swords, air-powered guns (including, but not limited to, paintball guns, BB guns, and CO<sub>2</sub> guns), Stun guns, Tasers or any object that normally would not be considered a weapon, but by alteration, modification or redesign, or by intended use, would be readily recognized or considered as a weapon by any reasonable and prudent person.
  - b. **Explosives** include, but are not limited to, firecrackers, ammunition, and fireworks.
  - c. All weapons and explosives will be impounded and are subject to forfeiture without reimbursement or return to the person from whom they were confiscated.
10. Any abuse of computer facilities and resources, including but not limited to any violation of the College's **Technology Policy**.
11. **Misuse of the Student Discipline Process**, including but not limited to:
  - a. Failure to comply with notice from a College official to appear for a meeting or hearing as part of the student discipline process.
  - b. Falsification, distortion, or misrepresentation of information before any College official.
  - c. Disruption or interference with the orderly conduct of a student discipline hearing proceeding.
  - d. Institution of a Code proceeding in bad faith.
  - e. Attempting to discourage an individual's proper participating in, or use of, the Code process.
  - f. Attempting to influence the impartiality of a College official, a Disciplinary Hearing Board panel member, or a Peer Council panel member prior to, and/or during the course of, the student discipline hearing proceeding. Harassment (verbal or physical) and/or intimidation of a College official, a Disciplinary Hearing Board panel member, or a Peer Council panel member prior to, during, and/or after a student conduct code proceeding.
  - g. Failure to comply with the sanction(s) imposed under the Code.
  - h. Influencing or attempting to influence another person to commit an abuse of the student discipline process or other College policy.
12. Engaging in illegal **gambling** activities as defined by federal, state, or local law, is prohibited. Using College owned or controlled technology equipment for gambling is prohibited.
13. Engaging in **non-consensual sexual conduct** with another person as defined in the Student Sexual Assault and Sexual Misconduct Policy and in the College's Policy Prohibiting Discrimination, Harassment, including Sexual, and Retaliation. Such non-consensual sexual conduct (which can be verbal, visual or physical) is a form of discrimination prohibited by not only by these policies, but, also, by the law.

## **Violation of Law and College Discipline**

The College's student discipline process is applicable to conduct which occurs on College owned or controlled premises or at activities which the College sponsors or recognizes (including, but not limited to, off-campus sanctioned events, sporting activities, study abroad, and travel), off-campus conduct between or among the College's students, or any activity of which the Dean of Students, or designee, has notice and in which a police report has been filed, a summons or indictment has been issued, or an arrest has occurred. Therefore, the student discipline process may be activated, at the discretion of the College, for alleged violations which occurs off-campus and when such actions by its students might adversely affect other students enrolled at the College or individuals visiting the College campus, the interests of the College community, the pursuit of College objectives and/or the surrounding community.

When a student is charged by federal, state, or local authorities with a violation of law, the College will not request or agree to special consideration for that individual because of his/her status as a student. If the alleged offense is also being processed under the Code, the College may advise off-campus authorities of the existence of the Code and of how such matters are administratively handled within the College community. The student discipline process is separate from, and will proceed without regard to, any criminal or civil proceedings. Consistent with the College's obligations under applicable law, the College will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators (provided that the conditions do not conflict with campus policies or sanctions). Individual students and other members of the College community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

### **ARTICLE IV: CODE OF CONDUCT PROCEDURES**

The following procedures are designed to offer a fair process in determining, and when appropriate, sanctioning violations of the Code and other College policies, but should not be confused with standards or procedures that apply in civil, criminal, or external administrative legal settings. The student discipline process governing reports of conduct that is alleged to or may be violations of the Sexual Assault and Sexual Misconduct Policy and/or violations of the sexual harassment section of the Policy Prohibiting Discrimination, Harassment, including Sexual, and Retaliation can be found in this Handbook. (See sections on Sexual Assault and Sexual Misconduct Policy and the Policy Prohibiting Discrimination, Harassment, including Sexual, and Retaliation).

#### **A. Reports of Conduct and Student Discipline Hearings**

1. Any member of the College community, including but not limited to students, staff or faculty, may make a report of conduct involving a student or student organization that may be a violation(s) of the Code and/or other College policies. A report of such conduct can be made either orally or in writing and shall be directed to the Dean of Students, or designee. All reports of conduct must be made within one year of the date of the alleged conduct and prior to the actual physical receipt by the respondent of the terminal degree from the College.

A report of conduct should include:

- a. The name of the student(s), or student organization, alleged to have violated the Code or other College policy;
  - b. A clear factual statement describing the nature of the conduct (date, time, place, witnesses); and
  - c. The name(s), address(es) and telephone number(s) of those filing the report.
2. The Dean of Students, or designee, will review all reports of conduct to determine which sections of the Code and/or other College policies was allegedly violated and refer the case to the appropriate hearing process.

## **B. Hearing Process**

1. There are three hearing options to determine responsibility in student discipline matters for alleged violations of the Code and/or other College policy:
  - a. A hearing between a hearing officer and the student(s) individually;
  - b. A hearing before a Peer Council panel; or,
  - c. A hearing before a Disciplinary Hearing Board (DHB) panel.

The Dean of Students, or designee, will decide which option will be used.

2. Students are required to participate in the student discipline process when they are called to a hearing, Peer Council panel, or a DHB panel as a complainant, respondent or witness. Should a student fail to appear when proper notification has been given or should the student fail to provide a statement during the hearing, the hearing will proceed without benefit of that student's input. Meetings with hearing officers, Peer Council panels and DHB panels will be scheduled taking into consideration the student's regular academic schedule only.
3. Civil or criminal rules of evidence shall not apply, nor shall deviations from prescribed procedures necessarily invalidate a decision or proceeding unless it is demonstrated by the student alleging the deviation that there is significant prejudice to the final outcome of the discipline proceeding as it affects the student sanctioned or the College.
4. The results of lie detector tests will not be accepted in student discipline investigations or proceedings. Tape recordings are not made or permitted in any phase of the discipline process. Student discipline documents (including, but not limited to, contact reports, Public Safety reports and statements) may be reviewed on site at the College by the complainant and/or the respondent but may not be duplicated or photographed.

### **Hearings**

1. Any member of the Student Life staff may serve as a hearing officer, including, but not limited to, the Dean of Students, Assistant Dean of Students/Director of Residence and the Associate Director of Residence Life.
2. Students charged with a violation of the Code or other College policy who is directed to meet with a hearing officer or panel will receive either oral or written notice generally twenty-four (24) hours prior to the meeting time.

The hearing officer will meet with the student(s) to:

- a. Discuss the report of alleged conduct,
- b. Determine an appropriate finding:
  - i. It is more likely than not that the alleged conduct did not occur and the respondent is not responsible for a violation of the Code or College policy; or
  - ii. It is more likely than not that the alleged conduct occurred and the respondent is responsible for a violation of the Code or College policy and imposes sanctions, as appropriate.
- c. After a decision has been rendered, the respondent will receive a letter summarizing the outcome and sanctions as appropriate, generally within seven (7) business days; however, unavoidable delay in providing notice of outcome is not an available ground for appeal.

3. If a sanction has been imposed, it is the responsibility of the student to ensure that Community Life receives notice of completion of the sanction in writing. Failure to complete a sanction may result in the assessment of additional sanctions without another hearing.

### **Peer Council Panels**

1. The Peer Council pool consists of approximately fifteen (15) students. The Dean of Students, or designee, determines membership from applications submitted by students. Students may be recommended for application through the President of the ASSMC, faculty and staff.
2. It is required that Peer Council panel members exhibit the highest ethical standards, disqualify themselves if they believe they cannot be impartial and/or fulfill their obligation to maintain the confidentiality of the process and dignity and privacy of the complainant, the respondent, and any witnesses before, during, and after the process consistent with applicable laws and College policy governing student privacy rights. In addition, the Dean of Students, or designee, is charged with deciding, at his/her sole discretion, whether a Peer Council panel member can be impartial or respectful of the confidentiality of the process and the privacy of the individual(s) involved. The decision of the Dean of Students, or designee, is final.
3. The Dean of Students, or designee, will provide the Peer Council panel members training and orientation sessions as needed.
4. Three (3) members of the Peer Council pool will generally be called to sit on a Peer Council panel based on availability and experience. Each panel will identify a chair, whose role is to facilitate the hearing and ensure compliance with the process and procedures outlined below.
5. Students charged with a violation of the Code or other College policies who are directed to meet with a Peer Council panel will receive oral or written notice generally twenty-four (24) hours prior to the meeting time.
6. Student discipline hearings shall be conducted by a Peer Council panel according to the following general guidelines:
  - a. The Chair of the Peer Council panel will explain the procedures.
  - b. The Chair will read (if written) or explain (if oral) the alleged violation(s) of the Code or other College policy and the report of conduct.
  - c. The complainant (if available) and respondent will be asked to make a statement regarding the allegation(s) of the complaint.
  - d. The Peer Council panel individually asks questions of the complainant, respondent, and any witnesses identified by either the complainant and/or respondent, as the Peer Council panel deems appropriate to the case.
  - e. After all questions have been asked, and if they choose, the complainant and the respondent may make a closing statement to the Peer Council panel.
  - f. The Peer Council panel will then meet in private and, based on their investigation and interviews, will deliberate on the information provided and determine an appropriate finding:
    - i. It is more likely than not that the alleged conduct did not occur and the respondent is not responsible for a violation of the Code or College policy; or
    - ii. It is more likely than not that the alleged conduct occurred and the respondent is responsible for a violation of the Code or College policy and imposes sanctions, as appropriate.
  - g. The chair will notify in writing the Dean of Students, or designee, of the hearing's outcome within twenty-four (24) hours of its completion. The Dean of Students, or

designee, will communicate the finding of the Peer Council panel to the respondent in writing generally within seven (7) business days; however, unavoidable delay in providing notice of outcome is not an available ground for appeal.

7. If a sanction has been imposed, it is the responsibility of the student to ensure that Community Life receives notice of completion of the sanction in writing. Failure to complete a sanction may result in the assessment of additional sanctions without another hearing.

### **Disciplinary Hearing Board Panels**

1. The Disciplinary Hearing Board (DHB) pool consists of approximately twenty-five (25) faculty, staff and students. The Dean of Students, or designee, determines membership from students recommended by the President of the Associated Students of Saint Mary's College (ASSMC) through the ASSMC's Judicial Tribunal, faculty nominated by the Chair of the Faculty Senate, and other staff of the College as recommended by the Dean of Students, or designee.
2. It is expected that DHB panel members will exhibit the highest ethical standards, disqualify themselves if they believe they cannot be impartial and/or fulfill their obligation to maintain the confidentiality of the process and the dignity and privacy of the complainant, the respondent, and any witnesses before, during, and after the process consistent with applicable laws and College policy governing student privacy rights. In addition, the Dean of Students, or designee, will decide, at his/her sole discretion, whether a DHB member can be impartial and will remove anyone whom he/she determines is unable to be impartial or respectful of the confidentiality of the process and the privacy of the individual(s) involved. The decision of the Dean of Students, or designee, is final.

The Dean of Students, or designee, will provide training and orientation sessions for the DHB pool as needed.

3. Three (3) members of the DHB pool will generally be called to sit on a DHB panel based on availability and experience. Each DHB panel will identify a chair, whose role is to facilitate the hearing and to guide compliance with the process and procedures outlined below.
4. Students charged with a violation of the Code or other College policies who are directed to meet with a DHB panel will receive oral or written notice generally twenty-four (24) hours prior to the meeting time.
5. Both the complainant and the respondent involved in a DHB panel proceeding has the option of choosing a member of the College community (faculty, staff, or student) to serve as an advisor to accompany them through the discipline process. The advisor may not be a parent, relative, an attorney or a representative of an attorney. The advisor is not an advocate for the student in the proceedings and may not address the DHB panel, or speak on behalf of the student regarding the discipline matter with other members of the College staff. The advisor may speak with the student privately and in a manner that is not disruptive to the hearing or discipline process. The respective student's advisor may be present at any time which the student they are advising is meeting with the DHB panel or other member of the College staff regarding the discipline matter and at which the student wishes them to be present. A person serving as the advisor is required to maintain the confidentiality of the nature of the allegation(s), the content of the discipline process, and the privacy of the complainant, respondent, and any witnesses known to the advisor. Students are strongly encouraged to choose an advisor to assist them in the discipline process; however, it is the student's decision as to whether to seek an advisor and, if so, who that advisor will be.

6. Student discipline hearings shall be conducted by a Disciplinary Hearing Board according to the following general guidelines:
  - a. The Chair of the DHB panel will explain the procedures.
  - b. The Chair will read the alleged violation(s) of the Code or other College policy and will read (if written) or explain (if oral) the report of conduct.
  - c. The complainant (if available) and respondent will be asked to make a statement regarding the allegation(s) of the complaint.
  - d. The DHB panel individually asks questions of the complainant, respondent, and any witnesses identified by either the complainant and/or respondent, as the DHB panel deems appropriate to the case.
  - e. After all questions have been asked, and if they choose, the complainant and the respondent may make a closing statement to the DHB panel.
  - f. The DHB panel will then meet in private and, based on their investigation and interviews will deliberate on the information provided and determine an appropriate finding:
    - i. It is more likely than not that the alleged conduct did not occur and the respondent is not responsible for a violation of the Code or College policy; or
    - ii. It is more likely than not that the alleged conduct occurred and the respondent is responsible for a violation of the Code or College policy and imposes sanctions, as appropriate.
  - g. The chair will notify the Dean of Students, or designee, of the hearing's outcome within twenty-four (24) hours of its completion. The Dean of Students, or designee, will communicate the finding of the DHB panel to the respondent in writing generally within seven (7) business days; however, unavoidable delay in providing notice of outcome is not an available ground for appeal.
7. If a sanction has been imposed, it is the responsibility of the student to ensure that Community Life receives notice of completion of the sanction in writing. Failure to complete a sanction may result in the assessment of additional sanctions without another hearing.

### **C. Confidentiality/Student Privacy**

Reasonable and appropriate effort is taken by the Dean of Students, or designee, and all other involved staff to protect the privacy of all individuals who may be involved in a student discipline proceeding as well as the confidentiality of the details and content of the student discipline process, including, but not limited to, an investigation, a hearing, Peer Council panel, or DHB panel proceeding, and, except where permitted by College policy and consistent with applicable law, the sanctions imposed and on whom. However, the College cannot guarantee absolute confidentiality. Individuals involved in the student discipline process, either directly or as a witness, are expected to maintain the confidentiality of the process and be mindful of the privacy of others involved.

## D. Sanctions

Sanctions are assessed in response to the specific conduct, the student discipline history of the respondent and in keeping with the policies and procedures described in this handbook so that the student's educational growth and personal development may take place. The assessment of sanctions within the student discipline process is itself part of the College's educational mission and process, even in the case of the sanction of Expulsion.

1. The following sanctions may be imposed upon any student found to have violated the Code (more than one of the sanctions listed below may be imposed for any single violation):
  - a. **Warning:** A notice in writing to the student or student organization that the student is violating or has violated the Code or other College policy.
  - b. **Loss of Privileges:** Denial of specified privileges for a designated period of time. Examples include, but are not limited to, guests, computer use, housing selection, dining, participation in athletics, student government, co-curricular activities, on-campus student employment, recreational and/or social activities.
  - c. **Stay Away Directive:** A stay away directive, specific to a person and/or location, prohibits a student from having direct or indirect communication or contact with a specified person; including, but not limited to in person communication, electronic communication, mail, and/or third party communication.
  - d. **Loss of Recognition:** The College may de-recognize student organizations for a specific time period or permanently. In the case of the former, the time period and conditions for reapplying for recognition and resumption of the associated privileges will be outlined.
  - e. **Fines:** As appropriate to the violation, a fine may be imposed.
  - f. **Restitution:** Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
  - g. **Parental Notification:** Parents/guardians of a student who is under the age of 21 and found responsible for an alcohol or other drug violation may be notified by the Dean of Students, or designee, in the form of a letter under certain circumstances. Please refer to the Parental Notification Policy for further explanation.
  - h. **Programs/Projects/Activities:** Programs/Projects/Activities that help the student understand the inappropriateness of the conduct and designed to help the student become more aware of the Code and other College policies. Examples include, but are not limited to, reflection papers or assignments, online programs, letters of apology, service to the College or an off-campus resource, or other related educational assignments.
  - i. **Health/Counseling Assessment:** Referral to the Health and/or Counseling Center and completion of assessment and any recommended treatments.
  - j. **Restricted Access:** Conditions imposed on a student that specifically dictate and limit his/her future presence on the campus and/or participation in College sponsored activities. The restrictions will be clearly defined and may include, but are not limited to, presence in certain buildings or locations on the campus or a no contact order forbidding the student from contact with another member of the community.
  - k. **Residence Hall Relocation:** A student may be relocated to another College residence hall or room.
  - l. **Residence Hall Suspension:** The removal of the student from College housing (without refund) for a defined period of time after which the student is eligible to apply for readmission to College housing. During the period of Residence Hall Suspension, the student shall not enter any College residence hall except to conduct College related business with an office located within a residence hall.
  - m. **Stayed Residence Hall Suspension:** When the nature of the violation is serious enough that Residence Hall Suspension is warranted but there may be factors and/or conditions that support allowing the student to remain in College housing, without endangering the health or safety of the student or other student(s), the sanction of Residence Hall Suspension may be placed in stayed status for a defined period of time. If the student is found in violation of the Code or other College policy during the time of stayed status, removal from College housing

(without refund) takes effect immediately without further review. The student is also subject to additional sanctions appropriate to the new violation.

- n. **Residence Hall Expulsion:** The student is permanently removed from College housing (without refund) and may not enter any College residence hall except to conduct College related business with an office located within a residence hall.
- o. **Probation:** A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to violate any institutional regulation(s) during the probationary period.
- p. **College Suspension:** Separation of the student from the College (without refund) for a defined period of time, after which the student is eligible to apply for readmission. Readmission is not guaranteed. During the suspension period, the student is not permitted on campus and shall not participate in any off- campus College sponsored /affiliated activity.
- q. **Stayed College Suspension:** When the nature of the violation is serious enough that College Suspension is warranted but there may be factors and/or conditions that support allowing the student to remain in the College, without endangering the health or safety of the student or other student(s), the sanction of College Suspension may be placed in stayed status for a defined period of time. If the student is found in violation of the Code or other College policy during the time of stayed status, removal from the College (without refund) takes effect immediately without further review. The student is also subject to additional sanctions appropriate to the new violation. A stayed College suspension is not available when a mandatory minimum sanction is required under College policies (see e.g., the Sexual Assault and Sexual Misconduct Policy.).
- r. **College Expulsion:** Permanent separation (without refund) of the student from the College prior to the actual physical receipt of the College diploma. A student who is expelled will not be eligible to receive an academic degree from the College at any time. The student is not permitted on the campus and shall not participate in any off-campus College sponsored/affiliated activity. The College may rescind a College degree following the awarding of a College diploma, or may withhold the awarding of a degree pending the outcome of the student discipline process for a violation of the Code or other College policy, that does, or would have the potential to, result in the sanction of Expulsion. The sanction of Expulsion is noted on the student's academic transcript. Expulsion is not considered to be punitive or a deterrent in the criminal or civil sense, but rather a determination by the College that the student has demonstrated by his/her conduct that he/she is unqualified to continue as a member of the College community.
- s. **Withholding Degree:** The College may withhold awarding a degree otherwise earned until the completion of the process set forth in this Code, including the completion of all sanctions imposed, if any.

## **E. Interim Suspension/ Stay Away Directive**

In certain circumstances, the Dean of Students, or designee, may impose an interim suspension of College privileges and/or a stay away directive..

1. Interim suspension and/or a stay away directive may be imposed:
  - a. In instances where it is determined that a student poses a potential threat to another;
  - b. To ensure the safety and well-being of members of the College community or preservation of College property;
  - c. To ensure the student's own physical or emotional safety and well-being; or
  - d. If the student poses a threat of disruptions or interference with the normal operations of the College.
2. Every attempt will be made by the Dean of Students, or designee, to meet as soon as possible with the student before implementing an interim suspension and/or a stay away directive. The



decision will be communicated in writing to the student.

3. During the interim suspension, a student may be denied access to the residence halls and/or to the campus (including classes) and/or all other College activities or privileges for which the student might otherwise be eligible, as the Dean of Students may determine to be appropriate.
4. The stay away directive, specific to a person and/or location, prohibits a student from having direct or indirect communication or contact with a specified person; including, but not limited to in person communication, electronic communication, mail, and/or third party communication.
5. The interim suspension or stay away directive does not replace the regular student discipline process, which shall proceed on the normal schedule, if required.
6. The interim suspension and/or stay away directive shall remain in effect until the Dean of Students, or designee, determines that the reason for imposing the suspension or stay away directive no longer exists.

## **F. Appeals**

1. The decision of the student discipline hearing regarding responsibility may be appealed by the Respondent within five (5) business days of the decision. The purpose of the appeal is not to rehear the underlying student discipline case. The sole purpose of an appeal is to determine if there is, in the first instance, sufficient information based on the written record before the appeal officer or Appeal Board to establish its jurisdiction to consider and decide the appeal and, if so, thereafter, to determine whether the information submitted by the student states sufficient grounds (see below) to grant the appeal and take any of the actions described below.
2. Only one appeal is permitted. Such appeals shall be submitted in writing, signed by the student and shall be delivered to the Dean of Students, or designee. The appeal may only be submitted by the student and shall consist of:
  - a. A completed Appeal Request Form (available in the Office of the Dean of Students and the Office of Community Life or on the Community Life website), and
  - b. A statement outlining and supporting the specific basis upon which the student is appealing.
3. An appeal must be based on one or more of the following grounds or it will not be accepted and considered:
  - a. A process or procedural error was made that was significantly prejudicial to the outcome of the hearing as it affects the student appealing.
  - b. New information that was not available or known to the student appealing at the time of the hearing has arisen which, when considered, may materially alter the outcome. NOTE: Information that the appealing student chose not to present at the time of the hearing is not considered new information.
  - c. The severity of the sanction imposed was not appropriate based on the section of the Code or other College policy which the student was found to have violated.
4. The appeal officer or Appeal Board will not meet with the student or re- hear the case. The appeal officer or Appeal Board will consider the merits of an appeal on the basis of the information provided in the Appeal Request form, the student's written statement, the written record of the case, and the student's entire discipline record.
5. Any member of the Student Life staff who may serve as a hearing officer may also serve as an

appeal officer, however the Dean of Students and Assistant Dean of Students/Director of Residence & Community Life are the primary appeal officers. The Dean of Students, or designee, determines who will serve as the appeal officer except in appeals of the sanction of College Suspension or College Expulsion which will be heard by an Appeal Board.

6. For the sanction of College Suspension or College Expulsion, the Appeal Board is composed of the Dean of Students, or designee, as chair and two (2) members of the DHB pool. If a DHB panel delivered the sanction of College Suspension or College Expulsion, those DHB panel members who delivered the sanction are not eligible to serve on that Appeal Board.
7. During the consideration of a request for an appeal, sanctions assessed by the hearing officer, Peer Council panel or DHB panel shall not be in effect. However, the Dean of Students, or designee, may impose conditions or continue existing conditions governing the respondent's continued relationship with the College during the appeal process.
8. Based on the information provided in the Appeal Request form, the student's written statement, the written record of the case, and the student's entire discipline record, the appeal officer or Appeal Board will:
  - a. Reject the appeal if it finds the basis for appeal unsubstantiated; or
  - b. Reject the appeal if it finds that any procedural errors were minor in nature and would not have altered the outcome of the hearing or the sanctions imposed; or
  - c. Modify the sanction(s) if they are found to be inappropriate; or
  - d. Return the case to the hearing officer, Peer Council panel or DHB panel for further consideration (which may, but does not, require a rehearing of the entire matter) if a procedural error or new information, as defined above, has arisen. In such cases, the same hearing officer, Peer Council panel or DHB panel who originally heard the case shall reconvene as soon as possible. If the hearing officer or a member of the original Peer Council panel or DHB panel is no longer available, the Dean of Students, or designee, will appoint another hearing officer, or in the case of the unavailability of one or more of the Peer Council panel or DHB panel members, he/she will select additional Peer Council panel or DHB panel members from the Peer Council and DHB pools.
  - e. Reverse the decision of the hearing officer, Peer Council panel or DHB panel or remand the case to a new hearing officer, Peer Council panel or DHB panel for further consideration where substantial procedural error is determined to have unfairly influenced the hearing.
9. If an appeal is not upheld, the matter shall be considered final and binding upon all involved.
10. The appeal officer or Appeal Board chair will communicate its decision to the respondent in writing once a decision has been reached. The decision of the appeal officer or Appeal Board is final and no further appeals are permitted.

## **ARTICLE V: INTERPRETATION AND REVISION**

1. Any question of interpretation or application of the Student Code shall be referred to the Dean of Students, or designee, for final determination.
1. The Student Code shall be reviewed every two (2) years under the direction of the Dean of Students.

## **ARTICLE VI: RECORD RETENTION**

Discipline records are maintained by the Dean of Students, or designee, and are kept for four (4) years after the student earns a degree. Student discipline files involving sexual assault, sexual misconduct or sexual harassment are kept in the Office of the Dean of Students. For those students who are separated from the College, records will be maintained until four (4) years after their scheduled degree completion date. The College permanently maintains the records of those students who are expelled from the College in the Office of the Dean of Students. Students are responsible for updating directory information, including address, with the Office of the Registrar.

## **Academic Policies**

### **Academic Standing**

Saint Mary's College recognizes two regular categories of academic standing: Satisfactory Academic Progress and Probationary Status.

#### **Satisfactory Academic Progress**

A student who maintains a cumulative grade point average of at least 2.0 (C average) in all courses taken or accepted for credit at Saint Mary's College and, after the freshman year, a cumulative grade point average of at least 2.0 (C average) in all courses required or accepted for credit in his/her major field maintains satisfactory academic progress.

For the purpose of establishing satisfactory academic progress, only courses taken at Saint Mary's College will be considered during a transfer student's first two semesters in residence.

#### **Probationary Status**

A student who, at the end of any term (fall, January or spring), fails to maintain satisfactory academic progress is considered to have probationary status. The Dean for Academic Advising and Achievement will notify students in probationary status and their academic advisors, in writing, that failure to achieve satisfactory academic progress no later than the close of the next long term (i.e., fall or spring) will subject students in probationary status to academic disqualification from further study at Saint Mary's College.

#### **Subject to Academic Disqualification**

A student is subject to disqualification from further study at Saint Mary's if the student is already in probationary status and fails to resume satisfactory academic progress (cumulative GPA of 2.0) by the end of the long semester of probation.

A student who is not in probationary status may be subject to disqualification if, in any semester:

- the student's cumulative GPA falls below 1.55 for all courses taken or accepted for credit; or
- the student has at least junior standing (a minimum of 18 credits completed toward graduation) and fails to maintain a GPA of at least 1.5 on all courses required or accepted for credit in his/her major field.

Students subject to disqualification will be notified promptly, in writing, by the Dean for Academic Advising and Achievement. Students are responsible for knowing their academic standing after grades are posted and for contacting the Office of Academic Affairs if they have any questions about their status. Failure to respond to either U.S. mail contact or e-mail contact about probation may lead to a student being disqualified automatically when the Academic Probation Review Board does not receive the requested response in a timely way. Any student subject to disqualification will be disqualified from further study at Saint Mary's College unless, within two weeks from the date of notification, he/she files a petition against disqualification with the Academic Probation Review Board, and unless he/she is then granted Special Academic Probation by that Board.

#### **Special Academic Probation**

Special Academic Probation may be granted at the discretion of the Academic Probation Review Board, whose members are a representative from the Office of Academic Affairs, the Dean of Academic Advising and Achievement, the Registrar, the Dean of Students and the Vice Provost of Enrollment. In addition to the information contained in the student's petition, the Board may seek the advice of the student's instructors, academic advisor, school dean, and others, when appropriate. Special Academic Probation is granted pursuant to the following conditions:

1. Filing of a timely petition against disqualification for cause (e.g., existence of serious personal or health factors, or other special circumstances, which have substantially impaired the student's ability to successfully meet the demands of the College's academic programs);
2. Demonstration in the petition of the reasonable expectation that the student can achieve satisfactory academic progress by the close of the next long term (i.e., fall or spring);
3. Acceptance by the student of the conditions specified by the Academic Probation Review Board which will lead to the resumption of satisfactory academic progress by the close of the next long term.

Students who fail to meet the conditions of the Special Academic Probation by the end of the next long term will be immediately disqualified. The Academic Probation Review Board exercises sole authority in cases of Special Academic Probation.

In extraordinary circumstances, a student may appeal a disqualification or other decision of the Review Board. This appeal must be made within ninety (90) calendar days of notification of disqualification and will be considered only if there is strong and compelling evidence of incorrect procedure, error, or new, additional information. The Dean for Academic Advising and Achievement will determine whether such appeal will be heard by the Review Board.

A student disqualified from this College may apply to the Academic Probation Review Board for readmission if he/she presents work from another college or university which is acceptable for transfer credit and which is sufficient to signify satisfactory academic progress (GPA of 2.0)

### **Saint Mary's College Academic Honor Code**

Saint Mary's College expects every member of its community to promote and abide by ethical standards, both in conduct and exercise of responsibility towards other members of the community. Academic Honesty must be demonstrated at all times to maintain the integrity of scholarship and the reputation of the College. Academic dishonesty is a serious violation of College policy because, among other things, it undermines the bonds of trust and honesty between members of the community and betrays those who may eventually depend upon the College's academic integrity and knowledge.

As an expression of support for academic integrity throughout the Saint Mary's learning community and as an administrative tool to discourage academic dishonesty, Saint Mary's has implemented an Academic Honor Code. The Academic Honor Code has been approved by the ASSMC Student Body, the Faculty Academic Senate, the Provost and the President of Saint Mary's College.

### **Pledge**

All students, whether undergraduate or graduate, are expected to sign a pledge to follow this Academic Honor Code. The pledge reads as follows:

*As a student member of an academic community based in mutual trust and responsibility, I pledge:*

- *To do my own work at all times, without giving or receiving inappropriate aid;*
- *To avoid behaviors that unfairly impede the academic progress of other members of my community;*  
*and*
- *To take reasonable and responsible action in order to uphold my community's academic integrity.*

## **Principles of Action**

### Confidentiality

All student information generated in connection with the Code and its implementation are education records of the student(s) involved and cannot be discussed or disclosed (or re-disclosed) other than on an educational need-to-know basis or with the student(s)'s prior written and dated consent. This

principle applies to all involved parties, including any faculty, staff, other students, and all Council members.

### Individual Responsibility

It is the responsibility of every student and faculty member of the College community to know and practice the tenets of the Academic Honor Code. If there is confusion over the appropriateness of a particular action in light of the Code, or if a community member has recommendations about how to amend or alter the Code, those questions and suggestions should be addressed to the Academic Honor Council through the Academic Honor Code Coordinator, or to the program director or dean for adult and graduate programs.

### Community Responsibility

In addition to maintaining one's own academic integrity, each member of the academic community should strive to preserve and promote integrity among his/her peers. This community empowers its members to take appropriate action in support of the Academic Honor Code. If a student, faculty member, staff member, or administrator suspects a violation of the Academic Honor Code, he or she should take action consistent with the Academic Honor Code Procedures described below. Additional possible actions include:

- Actively encouraging academic integrity among one's peers.
- Using moral suasion to avert a peer's academic dishonesty.
- Alerting a faculty member to suspected violations of academic integrity.
- Educating one another regarding the responsibilities of academic integrity.
- Helping a faculty member maintain an environment that is conducive to integrity.

## **Violations**

All violations of the Academic Honor Code are administered by the Academic Honor Council (AHC), or program director or dean for adult and graduate programs. Members of the academic community are presumed to be familiar with the procedures outlined for determining a violation of the Academic Honor Code and, therefore, ignorance of the Code is not available as an excuse for an alleged violation of it.

Forms of violations of the Academic Honor Code include, but are not restricted to:

### In Examinations

Unauthorized talking during an exam; use of “cheat sheets” or other unauthorized course materials during an exam; having someone other than the student registered in the course take an exam; copying from another student’s work; giving assistance to another student without the instructor’s approval; gaining access to an exam prior to its administration; informing students in other course sections of the contents of an exam; preparing answer sheets or books in advance of an exam without authorization from the instructor; unauthorized collaboration on a take-home exam; altering another person’s answers in the preparation, editing, or typing of an exam; bringing unauthorized materials into an exam room.

#### On Papers and Class Assignments (understood as all work assigned in a course)

Submitting work prepared by someone else as one’s own; using the thesis or primary ideas of someone else, even if those ideas have been edited or paraphrased, without proper citation; plagiarizing words, phrases, sections, key terms, proofs, graphics, symbols, or original ideas from another source without appropriate citation; receiving unauthorized assistance in preparing papers, whether from classmates, peers, family members, or other members of this or any other College community; collaboration within a class or across sections of a class without the consent of the instructor; preparing all or part of a paper for another student; intentional failure to cite a source that was used in preparing the paper; citing sources that were not used or consulted to “pad” a bibliography; citing sources out of another’s bibliography without having consulted those sources; re-using previous work without the consent of the current instructor; providing a paper to another student for any purpose other than peer editing or review; using unapproved sources in preparing a paper; lying to an instructor to circumvent grade penalties; interference with access to classrooms, computers, or other academic resources.

#### In Research:

Fabricating or falsifying data in any academic exercise, including labs or fieldwork; using material out of context to inappropriately support one’s claims; sabotaging another person’s research; using another researcher’s ideas without proper citation; taking credit for someone else’s work; hoarding materials and/or equipment to advance one’s research at the expense of others.

#### In the Use of Academic Resources

Destruction, theft, or unauthorized use of laboratory data, research materials (including samples, chemicals, lab animals, printed materials, software, computer technology, audiovisual materials, etc.); stealing or damaging materials from the library or other College facilities; not returning materials when asked to do so; appropriating materials needed by others such that their work is impeded; helping others to steal, hoard, destroy, or damage materials.

#### In Academic Records

Changing a transcript or grade in any unauthorized way; forging signatures on College documents; willful public misrepresentation of achievements, whether academic, athletic, honorary, or extracurricular; falsifying letters of recommendation to or from college personnel; bribing any representative of the College to gain academic advantage; breaking confidentiality about the proceedings of the Academic Honor Council, an Academic Review Board, or an investigative committee in the adult and graduate programs.

#### In Community Participation

Engaging in conduct that, if found to have occurred, violates the College's Technology Use and Whistleblower policies.

These types of conduct constitute violations of the Academic Honor Code and will be considered, if determined to have occurred, as acts of academic dishonesty. Any conduct that represents falsely one's own performance or interferes with that of another is academic dishonesty. Academic dishonesty is distinguished from academic inadvertence. The Academic Honor Council or the dean or program director for adult and graduate programs, receives and considers all reports of conduct that is alleged to be a violation of the Code and, thereafter, decides whether the alleged conduct, if determined to have occurred, constitutes academic dishonesty or academic inadvertence, which involves an act that might appear to be a violation of the Academic Honor Code, but is determined during the Review Board process not to be. In cases of academic inadvertence, no charge of academic dishonesty is made and the student is referred to the instructor for appropriate resolution. The Academic Honor Code is not intended to impede or inhibit the free exchange of ideas and collaborative learning which are hallmarks of a Saint Mary's education. The College supports and encourages cooperative learning, group projects, tutoring, mentoring, or other forms of interchange of ideas among students and faculty, one of the most important benefits of academic life.

### **Graduate and Professional Programs Oversight and Sanctions**

The Graduate and Professional Academic Honor Council oversees the procedures and administration of the graduate Saint Mary's Academic Honor Code. All graduate students are expected to abide by the Honor Code pledge and the Code itself. The procedures for the administration of the Academic Honor Code, the determination of violations, and the imposition of sanctions for students who have violated the Academic Honor Code in adult and graduate and professional programs are set forth in the student handbook(s) of their respective schools.

### **Traditional Undergraduate Students Oversight and Sanctions**

For traditional undergraduate programs, the procedures for the administration of the Academic Honor Code, the determination of violations, and the imposition of sanctions are overseen by the Academic Honor Council (AHC).

### **Oversight: Academic Honor Council**

#### Council Membership

The AHC consists of a minimum of sixteen student members and six faculty members as specified below. These members share special responsibility for the dissemination and implementation of the Academic Honor Code on campus:

- 6 students: Two students from each of the traditional undergraduate schools at the College (Economics and Business Administration, Liberal Arts, and Science). These representatives are appointed for a term of at least two years on a biannual basis by the Academic Honor Council.
- 4 students: One student from each program that takes special responsibility for community education on academic integrity (Advising, Athletics, Collegiate Seminar, and Composition). These representatives are appointed for a term of at least two years on a biannual basis by the Academic Honor Council.



- 6 or more students: A minimum of six students will be appointed as members-at-large. These representatives are appointed for a term of at least two years on a biannual basis by the Academic Honor Council.
- 6 or more faculty members: A minimum of six faculty members of the traditional undergraduate college. These representatives are appointed by the Dean for Academic Development for a term of two years; service may be extended by one or more years with the approval of the Dean.

### Rotation Process

In order to facilitate consistency in the processes of review and policy formation, representatives are appointed using a system of rotation as needed to meet the membership requirements above.

Responsibilities of the Academic Honor Council (“AHC”): The responsibilities of the AHC include, but are not limited to, the following:

- To select from its membership a student Chair, or Co-Chairs, who will oversee the operations of the AHC for one year.
- To review and revise the Academic Honor Code as necessary, offering recommendations for changes to the Code to the Admissions and Academic Regulations Committee of the Educational Policies Board.
- To serve in an advisory capacity for the College community in understanding and interpreting the Code.
- To promote and maintain the Code, primarily through community education via publications, workshops, forums, and community events.
- To create and facilitate a non-credit seminar on academic integrity to be taken by students who are in violation of the Code.
- To constitute Review Boards from among its membership to consider alleged violations of the Code.
- Through its Chair or Co-Chairs to consider requests for the removal of “XF” grades and to be a Review Board as a whole for petitions of reconsideration brought forward by the Chair or Co-Chairs.
- To provide an annual report (maintaining appropriate confidentiality) for the Educational Policies Board and the ASSMC Student Senate reviewing the AHC’s activities for the year.

### Coordinator of the AHC

In addition to the members of the Academic Honor Council, there is a staff Coordinator who is part of the staff of the Office of Academic Affairs. The Coordinator’s responsibilities are: to serve as “first contact” for a party who wishes to register a concern; to maintain office hours during which community members may file concerns, seek advice, obtain written materials relevant to the Academic Honor Code; to update written materials and information as per the instructions of the AHC; to distribute materials to appropriate parties during student orientation and at the beginning of new academic terms; to function as a “neutral party” in organizing and scheduling reviews by the AHC; to

contact all involved parties and inform them of their rights and responsibilities in the process of pursuing a concern; to assign Advisors at the earliest possible time; to compile brief case inventories on concerns that are raised; and to schedule and book meetings of the Academic Honor Council at large, and to coordinate with the Chair of the AHC the constitution and meetings of Honor Review Boards.

### Honor Review Boards

In cases when a violation of the Academic Honor Code is not handled through the channels of No-Contest Resolution, the Chair of the AHC designates the case for review and establishes an Honor Review Board comprised of members of the AHC.

The Honor Review Board consists of eight members of the AHC as follows:

Five voting members comprised of four student representatives and one faculty representative, one non-voting Facilitator, and two non-voting Advisors. The appropriate sanction is decided by the majority vote of the five voting members. The non-voting Facilitator serves as the neutral presiding officer of the review.

The two non-voting Advisors, one assisting the party who brought forth the charge and one assisting the alleged violator(s), must be currently enrolled students at the College and members of the AHC. The role of the Advisor is to help the respective parties in their understanding of the Academic Honor Code, provide confidential guidance, assist in preparing the respective parties for the Honor Review Board process, aid the parties in understanding the decisions of the Honor Review Board, and inform the parties of processes for petition for reconsideration.

At no time during the review does an Advisor formally represent the party in the hearing or speak on his/her behalf; rather, each party is expected to speak for him- or herself.

### **Sanctions**

#### Standard Sanction: Assignment of an "XF" Grade

For violations pertaining to a course, the standard sanction upon a student who commits a violation of the Academic Honor Code is the assignment of an "XF" grade in the course. For violations that do not pertain to a course, the sanction is determined by the Honor Review Board hearing the case.

The "XF" grade indicates failure in the course, and that the course failure was the result of a violation of the Academic Honor Code. A notation will be included in the student's transcript indicating the meaning of the grade. For the purposes of computing grade point average and class standing, the "XF" will be treated as an "F."

In addition to the notation on the student's transcript, an "XF" grade disqualifies a student from representing the College as the leader of an approved extracurricular activity, or as a member of an athletic or scholarly team that is sponsored by the College. Students with "XF" grades will be eliminated from consideration for departmental or College awards and honors. No student with a standing "XF" grade may be a member of the Academic Honor Council.

Through a letter filed with the AHC Coordinator, a student may petition the Academic Honor Council to remove an "XF" grade in the semester following its assignment. A successful petition will result in the replacement of the "XF" with the grade of "F" and the removal of the notation from the student's transcript. Such a petition will be considered if the student has completed a non-credit seminar on academic integrity (administered by the Academic Honor Council) and has avoided any further

violation of the Academic Honor Code. The decision to remove an “XF” grade resides with the Co-Chair(s) of the Academic Honor Council and is not guaranteed merely with completion of the seminar on academic integrity. A letter reflecting the violation, the sanction, and the removal of the “XF” grade remains in the student file held in the Office of the Registrar.

### Alternative Sanctions

That the assignment of an “XF” grade is the standard sanction for violations that pertain to coursework does not preclude the right of the Honor Review Board to assign an alternative sanction, one that is either harsher or more lenient. The rationale for an alternative sanction other than the standard is the nature of the offense and not the status or identity of the offender. The community member who brings forth the charge against the alleged violator may recommend a particular sanction to the Honor Review Board, but the assignment of the sanction rests with the board.

Alternative sanctions include but are not limited to:

- Reprimand by the AHC, with a letter placed in the student’s permanent file in the Registrar’s office.
- Community service requirements, either to the College or to a selected community agency consistent with the offense committed.
- Community education requirements, including participation in the development of workshops, displays, bulletin boards, testimonials, brochures, or College forums.
- Attendance of a non-credit seminar on academic integrity.
- Academic or extracurricular probation.
- Loss of privileges for College leadership or athletic participation.
- Removal from the course, with alternate plans for completing it.
- Failure of the assignment.
- Failure of the course.
- Modified “XF” grade, with no limitation on extracurricular activities.
- Suspension from the College at the end of the term.
- Immediate suspension from the College.
- Expulsion from the College.
- Withholding of a degree, even in cases where all College requirements have been met.
- Revocation of a degree already received.

### **Procedures for Suspected Violations**

The procedure to be followed in any suspected violation of the Academic Honor Code for traditional undergraduate students will follow four, and, in certain instances (as specified, below), a fifth step.

If a student or staff member wishes to report conduct that might constitute a violation of the Code, then he/she has two options:

- Refer the matter to the relevant faculty member, or
- Refer the matter to the Academic Honor Council through the AHC Coordinator (Step Four).

#### *Step One: Initial Discussion*

If a faculty member becomes aware of conduct that might constitute a violation of the Code, then he/she should first discuss the conduct with the suspected violator. This discussion might include asking the suspected violator(s) to explain the situation or confronting them with relevant information about the suspected conduct. The possible outcomes are:

- If the faculty member concludes that no violation has occurred, then the matter will be dropped.
- If the discussion results in confirmation by both parties that a violation has occurred, then the student can request a No-Contest Resolution through the AHC Coordinator or an Honor Review Board Through the AHC Coordinator.
- If the discussion results in lack of confirmation by both parties that a violation has occurred, then the faculty member refers the case for review by an Honor Review Board through the AHC Coordinator (Step Four).

#### *Step Two: Meeting with the AHC Coordinator*

After a violation of the AHC code has been found the case is referred to the Coordinator of the AHC. When a suspected of a violation of the Code is referred to the Coordinator, the student has two options to resolve the issue.

1. No-Contest Resolution (Step Three)
2. Academic Honor Review Board (Step Four)

#### *Student Advisor addition & roles*

After initially meeting with the AHC Coordinator students have ten school days to request a review board. If a student does not request a review board within ten school days, the Co-Chairs will then determine if the Standard Sanction will apply or if a review board will be convened.

#### *Step Three: No-Contest Resolution*

*The No-Contest Resolution process is an option in cases when the following five conditions are met: 1) neither party contests that the conduct has occurred; 2) the nature of the violation caused by the conduct is clear; 3) the violation is course-related, 4) both parties agree to the standard sanction for the admitted violation and, 5.) if it is the first violation*

*In No-Contest Resolution, the standard sanction of "XF" is applied. To provide fairness in its application, the AHC Coordinator is witness to the No-Contest Resolution process.*

#### *Step Four: Honor Review Board*

In the absence of a No-Contest Resolution, the case is referred through the AHC Coordinator to an Honor Review Board for review and determination.

Preparation. The AHC Coordinator informs the Co-chairs of the AHC of the need to convene an Honor Review Board. Once the Co-chairs have established the Honor Review Board for a case, it will hold a review hearing. The hearing is a closed and confidential meeting with the person raising the concern, the alleged violator(s), and any witnesses who have relevant information that either party wishes to include in the proceedings. Prior to the review hearing, the Facilitator will provide a list of witnesses and relevant information to both the person raising the concern and the alleged violator(s).

Confidentiality. All of the testimony and relevant information from the review hearing will be kept in confidence, in accordance with the College policy and to protect the privacy of the student(s) involved under Family Educational Rights and Privacy Act ("FERPA"). Failure to maintain the confidentiality of the matters and/or the student's privacy of the student(s) involved will result in a separate and independent charge of Code violation. No lawyers or lawyers' representatives (e.g. paralegals) representing the involved parties or family members of either party may be present during the review process or the deliberations of the Honor Review Board.

Multiple Alleged violators. In the case of multiple alleged violators in closely related cases, one Honor Review Board will hear all testimony and evidence. The Facilitator has the discretion to hold one review for all students concerned subject to receipt of the prior written and dated consent of the student(s) involved, or separate reviews for each alleged violator. Reviews will be closed to all other persons unless all parties concerned consent in writing to an open review.

The Review Hearing. The Facilitator sets and coordinates the time and place for the review hearing, as well as its structure and flow. Each party has the opportunity to present his/her position and offer relevant information and testimony, including of witnesses, to support their respective positions. Members of the Honor Review Board may forward questions during any phase of the review with the permission of the Facilitator.

Deliberation and decision. Upon hearing all arguments, the Honor Review Board meets privately to deliberate and make its decision. A valid decision constitutes a simple majority arriving at a common conclusion as to whether a violation "more likely than not" occurred. In the event of a split or tied vote, the case will be referred to the full body of the AHC for deliberation and decision. Within 48 hours of the close of deliberations, the Facilitator of the Honor Review Board informs both parties about the decision and sanction, if appropriate, through written notification. Notwithstanding this notice requirement, failure to inform both parties of the decision and sanction within 48 hours does not constitute a material procedural irregularity.

Removal of a Board Member. Any member of the Board who has a conflict of interest or bias or whose participation would give rise to the appearance of bias or conflict of interest must recuse him or herself from the deliberation and decision process. If during the review hearing or the deliberations the Facilitator detects a bias that may interfere with the impartial consideration of information by any voting member of the Honor Review Board and that may significantly affect the outcome of the Board's decision, the Facilitator must remove that representative from the Review Board immediately. Review and deliberations will continue with the remaining members.

*Ad Hoc Review Boards. In the event that a review is necessary outside of the confines of the regular academic calendar (in the summer or over Christmas break, for example), then the Academic Vice Provost may convene a special ad hoc Honor Review Board consisting of two students and one faculty member. If possible, those representatives should be current or former members of the Academic Honor Council, but the Academic Vice Provost may exercise the right to appoint other representatives as necessary.*

*Step Five: Petition to Reconsider*

Grounds for Reconsideration. Except as permitted below, the decision of the Honor Review Board is final (whether it is the product of a regular or ad hoc review board), and will be reported to the Academic Honor Council as well as to the Registrar's office. The decision may be reconsidered only if: 1) new information not available at the time of the deliberation and Board's decision can be offered for consideration, 2) one or more parties can provide information that supports an allegation that there was a failure to follow procedure that materially affected the decision of the board, or 3) the sanction applied goes beyond the standard sanction. If the case is not subject to reconsideration, then the matter ends at this step.

Reconsideration: Any petition for reconsideration of a decision by the Honor Review Board is filed with the AHC Coordinator, who informs the Co-Chairs of the Academic Honor Council. The Co-Chairs determines whether or not the information and reasons offered support the request for reconsideration (based on the above criteria). If the Co-Chair deems that the information offered is sufficient to support reconsideration of the case, then it is brought before the full body of the Academic Honor Council. The Council rehears the case, taking into account the new information and/or material procedural irregularity that have been established.

The Co-Chairs presents the original case (in brief), the board's decision, and the stated grounds of the petition to the AHC. The AHC may, in its sole discretion, rely on existing written information or call for new information and/or testimony as needed to allow a full and fair consideration of the petition. If the AHC disagrees with the decision of the Honor Review Board, then a new decision may be reached by the entire Academic Honor Council by a majority vote of those present. The Co-Chairs will be excluded from the initial vote and will only vote in the case of a tie. If the AHC upholds the decision of the Honor Review Board, then the case will be closed. In either situation, the decision of the Academic Honor Council is final.

## **FINAL RESPONSIBILITY**

Saint Mary's, through its designated officers, faculty and/or employees is solely charged with and responsible for interpreting and applying the Academic Honor Code. In exercising that responsibility, the College chooses to give students a distinct and significant role in designing the Code, hearing cases, recommending sanctions, and educating the campus community about the importance of academic integrity. This student participation, however, in no way prevents Saint Mary's from exercising its sole discretion, without prior notice, in interpreting, implementing and/or amending these policies and procedures.

## **Turnitin® Policies and Procedures**

Saint Mary's College uses the Turnitin.com technology. The following policies apply to students:

- Any student requested to do so by his/her instructor must submit written work through the Turnitin.com system in a course where the instructor is using it.
- All students enrolled in a Collegiate Seminar course or in English 003, 004, or 005 are required to submit their final versions of all essay assignments in those courses to the Turnitin database.
- In a course where the instructor is using the Turnitin.com system, the instructor will inform students how to access the system and use it in that course. Normally, students will be given a course ID and password to use for uploading their written work. The instructor of the course will monitor student use of the system.

- In a course where the instructor is not using the Turnitin.com technology but by College policy the students are required to submit their written work to the database, the Dean for Academic Development will provide access (ID and password information) for the students and will monitor compliance.
- The Turnitin.com website ([www.turnitin.com](http://www.turnitin.com)) has general information and a tutorial for students about how the system works.

### **Academic Appeal Process**

The Committee on Academic Appeals is a faculty/student committee which hears appeals from undergraduate students regarding decisions concerning academic regulations and standards affecting them individually. A standing committee, it is convened and chaired by the Vice Provost of Undergraduate Academics, at the request of the student .

1. To hear appeals regarding decisions of the Dean of the School or of the Registrar (and approved by the Dean of the School) concerning courses, standards, academic regulations and requirements for graduation;
2. To hear appeals regarding grades given by instructors.

The Committee consists of up to ten members:

- Vice Provost of Undergraduate Academics (ex officio and nonvoting)
- three ranked faculty members appointed by the Chair of the Committee on Committees;
- three ranked alternates (but also including Christian Brothers currently teaching at the College), one each from the Schools of Liberal Arts, Science, and Economics and Business Administration, appointed by the Vice Provost of Undergraduate Academics;
- four students appointed by the ASSMC President for one-year, renewable terms and confirmed by the Executive Council of that group.

Procedures:

1. When the student expects to appeal a decision by the Dean of his/her School and/or the Registrar, or to appeal a grade given by an instructor (see 1 and 2 above), the student must file a notification to that effect with the Vice Provost of Undergraduate Academics within one month from the beginning of the next long term.
2. The student is normally expected first to take his/her appeal to the instructor or administrator involved. If the student is not satisfied with the outcome, he/she should next take the appeal to the department chairperson or to the appropriate academic administrator.
3. If the matter is not resolved in step 2, the student will file a written statement of appeal with the Vice Provost of Undergraduate Academics. The Vice Provost will notify the appropriate instructor, department chairperson, and the School Dean that an appeal has been filed.
4. If the student decides not to pursue the appeal, he/she must advise the Vice Provost of Undergraduate Academics that the notification and/or statement of appeal be withdrawn.
5. The appeal must be brought to the Committee on Academic Appeals before one long term has elapsed since the term in which the cause for appeal occurred.
6. The Committee will not consider an appeal until and unless all the above avenues of informal resolution have been pursued.

7. The Vice Provost of Undergraduate Academics serves as the nonvoting Chair for each appeal hearing. Representatives of the two principals (a faculty member chosen by the student—a Christian Brother on staff may also serve this role—and a ranked faculty member chosen by the other principal, or in the case of an appeal of a decision by the Registrar's Office, a representative of that office not involved in the original decision) will present to the Committee the respective arguments of the two principals whom they represent. The two principals do not attend the meeting unless requested to do so by the Committee.
8. Minutes of the proceedings will be taken and kept on file in the Office of Academic Affairs. All proceedings and correspondence, and the minutes are confidential and will not be maintained in the student's permanent academic record.
9. In hearing an appeal, the Committee has authority to:
  - a. set time limits on presentation by representatives of the two principals;
  - b. request written statements from the principals, if necessary;
  - c. determine if the principals are to appear before it;
  - d. consider during its deliberations all documents and any records considered by the initiating instructor or administrator; oral and/or written argument of both principals; additional evidence the Committee deems appropriate.
10. The Committee, upon reaching a majority decision, has the authority in the individual case to instruct the Registrar to waive an academic regulation or requirement, make an exception to an academic standard, or to change a grade.
11. The Vice Provost of Undergraduate Academics gives written notification of the Committee's decisions to the principals.

## **Class Attendance**

### **General Policy**

Regular class attendance is an important obligation and an essential condition for successful academic progress. Absences may seriously jeopardize the satisfactory completion of a course. Excessive absence can be a cause for dismissal from the College. The instructor is responsible for establishing and communicating the attendance policy for a given course. Students are responsible for all assignments in each of their courses, whether or not the assignments were announced during an absence. Penalties for absences depend upon the nature and the amount of work missed, of which the faculty member is the sole judge. It is not permissible to miss regularly scheduled classes for the purpose of intercollegiate athletic practice. A student who misses the first session of a course, even if he/she is pre-registered, may have his/her place in that course given away and be denied further attendance in that course.

### **Student Athletes**

Student-athletes will not miss class for practice. Student-athletes, in the season in which their sport has scheduled intercollegiate competitions, will not be penalized for missing class because of representing the College in those competitions – so long as the student's absence from the class for the purpose of intercollegiate athletic competition does not exceed (see *Student Athlete Handbook*):

1. 4 classes on the MWF schedule (fall and spring terms)
2. 3 classes on the T/Th schedule (fall and spring terms)
3. 2 classes during a traditional January Term course
4. 1 class per term (fall and spring) for labs and courses that meet once per week



## **Community & Student Life Policies**

### **Abusive Conduct Policy**

This policy is intended to address conduct toward another student and/or faculty or staff that has the observable effect of unreasonably interfering with that individual's ability to work or to participate in the educational benefits at the College. Specifically, abusive conduct is conduct that has the observable effect of demeaning, ridiculing, insulting, stigmatizing, frightening, intimidating, or unreasonably impeding the work, participation in the educational benefits at the College, or movement of a person including visitors to the College or guests of students, to whom such conduct is directed. Abusive conduct may be either oral or written (including but not limited to text messages or posted electronically in chat rooms, blogs, emails or in online communities) words or symbols, including, but not limited to epithets, insults, derogatory comments, posters, cartoons or other drawings. Abusive conduct may also include, but is not limited to physical touching, impeding or blocking movement, or any inappropriate and serious physical and mental interference with routine work or movement while engaged in College-sponsored activities and/or at work. While this policy is not intended to cover conduct that, if found to occur, would violate Saint Mary's Policy Prohibiting Discrimination, Harassment, including Sexual, and Retaliation Policy, the College, in its sole discretion, may choose to respond to reports of such conduct in a manner consistent with that policy.

### **Dating Violence**

Dating violence is controlling, abusive, and aggressive behavior in a romantic relationship. It is a pattern of behavior in any relationship that is used to gain or maintain power and control over an intimate partner. Abuse is physical, sexual, emotional, economic or psychological actions or threats of actions that influence another person. This includes any behaviors that frighten, intimidate, terrorize, manipulate, hurt, humiliate, blame, injure or wound someone.

Dating violence can happen to anyone of any race, age, sexual orientation, religion or gender. It can happen to couples who are married, living together or who are dating. Dating violence affects people of all socioeconomic backgrounds and education levels.

Someone may be in an emotionally abusive relationship if her or his partner:

- 
- Calls them names, insults them or continually criticizes them.
  - Does not trust them and acts jealous or possessive.
  - Tries to isolate them from family or friends.
  - Monitors where they go, who they call and who they spend time with.
  - Does not want them to work.
  - Controls finances or refuses to share money.
  - Punishes them by withholding affection.
  - Expects them to ask permission.
  - Threatens to hurt them, their friends, their family or their pets.
  - Humiliates them in any way.

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Someone may be in a physically abusive relationship if her or his partner has ever:

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- Damaged property when angry (thrown objects, punched walls, kicked doors, etc.).
  - Pushed, slapped, bitten, kicked or choked them.
  - Abandoned them in a dangerous or unfamiliar place.
  - Scared them by driving recklessly.
  - Used a weapon to threaten or hurt them.
  - Forced them to leave their home.
  - Trapped them in their home or kept them from leaving.
-

- Prevented them from calling police or seeking medical attention.
- Used physical force in sexual situations.

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Someone may be in a sexually abusive relationship if her or his partner:

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- Views women as objects and believes in rigid gender roles.
  - Accuses them of cheating or is often jealous of their outside relationships.
  - Wants them to dress in a sexual way.
  - Insults them in sexual ways or calls them sexual names.
  - Has ever forced or manipulated them into having sex or performing sexual acts.
  - Held them down during sex.
  - Demanded sex when they were sick, tired or after beating them.
  - Hurt them with weapons or objects during sex.
  - Involved other people in sexual activities with them.
  - Ignored their feelings regarding sex.
- 

The College insists that all members of its community shall be able to pursue their interests free from violence. To report conduct that an individual believes is a violation of this Policy when the person engaging in the conduct is a student, students may access the College's Sexual Assault Crisis Response Team Hotline the line 24-hours a day, seven days a week during the academic year by calling **(925) 878-9207** for information about all available reporting options and/or may contact the Dean of Students at 925-631-4235. To report a violation when person engaging in the conduct is a faculty or staff member, contact the Director of Human Resources at 925-631-4212. For additional resources, see the Sexual Assault and Sexual Misconduct.

### **Acts of Intolerance Protocol for Students**

The mission of Saint Mary's College of California calls upon faculty, staff, and students from different social, economic and cultural backgrounds to come together to grow in knowledge, wisdom and compassion and to become active and effective global citizens. The College values fairness, integrity, respect and personal and social responsibility. We, the members of this College community, seek to create the kind of safe living and learning environment where civility and respect is fostered and where individuals and groups have an opportunity to voice their experiences or their concerns without fear.

The College respects the individual's right to speak freely and openly while acknowledging the responsibility that comes with this freedom. We encourage all College community members to seek appropriate campus forums, at appropriate times and places, to engage in meaningful dialogue to better understand others' experiences and values. However, intolerant acts are not acceptable and are inconsistent with the fundamental values of Saint Mary's. The ability to disagree or to offer an alternate belief articulated passionately yet respectfully, will continue to be a cornerstone of meaningful dialogue. However, degrading the identity, needs, and beliefs of others is not acceptable.

### ***What is an act of intolerance?***

Generally, harmful acts motivated by bias towards a category of people or an individual based on their identification (or perceived identification) with a particular category of people may be considered an act of intolerance. These social categories include, but are not limited to, the following:

- |             |                       |
|-------------|-----------------------|
| • Gender    | • National origin     |
| • Race      | • Sexual orientation  |
| • Ethnicity | • Physical appearance |
| • Religion  | • Age                 |

- Disability
- Socio-economic class

Acts of intolerance can include criminal and otherwise illegal conduct, but they may also include violations of College policy(s) regarding civility, professionalism and/or harassment.

### ***Why is it important to report suspected acts of intolerance?***

Uncivil, hateful and/or harassing conduct towards others at Saint Mary's is unacceptable. We strongly encourage members of our community to report all acts of intolerance, no matter how insignificant the incident may seem to be. We reject acts of intolerance, and to do this, we need the involvement of every person, faculty, staff, and student. We need to know what happens and how often, so that we can take steps to intervene, to stop hateful and/or harassing behavior, speak out against these acts and support those who are targeted.

- Incidents that may seem minor initially – name calling or slurs of any type – can escalate into more serious incidents and therefore should be addressed.
- If unchecked, individuals may feel comfortable in continuing their conduct and may be emboldened to escalate or to extend their actions inappropriately toward others.
- Non-reporting can lead to an environment where bias and prejudice is accepted and tolerated.
- Bias-motivated incidents send a message not only to the individual(s) on the receiving end but also to all members of the targeted group and the broader campus community.
- Even if the person engaged in the conduct is unknown or action available to address the incident is limited, reporting allows the Dean of Students to better assess the campus climate and implement appropriate remediation measures.

### ***What do I do if I think an act of intolerance has been committed or I have been the target of such an act?***

Students who are either subject to or witness an act of intolerance are encouraged to report the act immediately to the Dean of Students (925.631.8510).

Acts of intolerance that constitute graffiti or vandalism, or threaten physical harm and/or violence should be immediately reported to Public Safety (925.631.4282 or 9-911). Do not confront the person you think committed the act. Do not disturb the scene where an incident has occurred or remove/destroy evidence such as graffiti. Public Safety officers may have the chance of finding whoever committed the act only if they can gather evidence. If the incident is in the form of an email, keep the email in your inbox or otherwise preserve it and contact Public Safety. Do not delete, alter, or forward the email.

Notify someone who can assist you:

- Dean of Students..... 925.631.8510
- Public Safety..... 925.631.4282
- Counseling Center..... 925.631.4364
- Women's Resource Center ..... 925.631.4171
- Residence & Community Life..... 925.631.4236
- Intercultural Center ..... 925.631.8317

### ***What will happen once I report the incident?***

When students are involved, the Dean of Students will learn as much as possible about the incident, will coordinate the College's response and provide support for those individuals involved. The Dean of Students will coordinate with the Dean of Academic Advising & Achievement to address students' academic needs that may arise as a result of the incident, begin the disciplinary process when

indicated and appropriate, notify the Provost's Office for issues needing faculty intervention, and notify the Director of Human Resources if the incident is about the behavior of staff. The Dean of Students will also convey information to the Assistant Vice President for College Communications to inform the community of any significant incidents when appropriate. All incidents reported to the Dean of Students and the response made to those incidents will be listed on a link from the Dean's website without personal identifying information.

If a reported incident is one that the College has a duty to formally investigate consistent with specific College policies (e.g., discrimination, harassment or sexual harassment policy), all parties will be notified of this obligation and an investigator will be assigned in line with the protocols for those specific policies.

Finally, depending upon the nature of the incident, the report may trigger external reporting requirements (e.g., law enforcement, Annual Clergy Report).

### ***What happens if someone is found responsible for committing an act of intolerance?***

For students, in any particular incident, there may be an immediate local and/or educational response in addition to the College response (e.g. residence hall program, notification to residence hall community, removal of graffiti etc.). Students responsible for acts of intolerance will be subject to the student discipline process as outlined in the Code of Conduct, and sanctions may be imposed. Sanctions are assessed in response to the specific conduct, the student discipline history of the student, and in keeping with the policies and procedures described in the Code of Conduct so that the student's educational growth and personal development may take place. The assessment of sanctions, up to and including expulsion, is itself part of the College's educational mission and process.

### **Alcohol and Other Drugs**

Saint Mary's College is an educational and social community within which students, faculty, staff, alumni, and their guests interact in a wide variety of activities. The Saint Mary's College Alcohol and Other Drugs Policy is intended to allow the responsible and legal use of alcohol under certain conditions (noted below) for those over 21 years of age and to prohibit the use of illicit and illegal drugs. This Policy seeks to promote an atmosphere conducive to the pursuit of learning, and applies to all individuals associated with the College including students, faculty, staff, alumni, and guests. Additionally, private sponsors and their guests who use the College facilities are required to comply with this Policy.

### **Health Risks Associated with the Use of Alcohol and Other Drugs**

Some of the health risks associated with alcohol and other drug use are specified below.

1. **Alcohol:** Contrary to popular belief, not all college students drink alcohol excessively. Many have never consumed alcohol and others choose to drink moderately, or not at all. Individuals should consider the consequences and make responsible decisions when it comes to the use of alcohol.

You do not have to be an alcoholic to have a drinking problem. One night of excessive drinking can result in alcohol poisoning. On the average, your body can only process one ounce of alcohol per hour (approximately one regular-sized drink). Drinking too much too quickly raises your blood alcohol content to the point where your body cannot effectively process the alcohol, leading to overdose and possibly coma or death.

When you drink too much, your capacity to process information and make safe decisions is impaired. This places you at an increased risk for sexual assault and other violent behavior, exposure to sexually transmitted diseases, driving under the influence, and physical injury.

Misusing alcohol can also have a negative impact on academic success, work performance, friendships and family relationships.

Numerous health risks are associated with drinking. Alcohol intensifies the effects of over-the-counter medications or other drugs, which may cause physical damage to the body. Long-term excessive drinking can lead to a variety of health problems such as: decreased brain function; impaired sensation, perception, coordination, reflexes, and judgment; memory lapses or blackouts, organ damage, and addiction. Research indicates that adult children of alcoholics have as much as a four to six times greater risk of becoming an alcoholic or having a problem with other drugs.

2. **Marijuana:** Immediate effects of THC (marijuana's active ingredient) vary greatly with the person, setting, dose, and expectation of the user. Marijuana can make it harder to function and succeed in an academic setting particularly when tasks require close attention and thoughtful decision-making. Using marijuana may impair your short-term memory, reading comprehension, and capacity to solve verbal and mathematical problems. Uncomfortable feelings such as paranoia and panic are often experienced with marijuana. Additionally, regular use may lead to a motivational syndrome consisting of listlessness, fatigue, inattention, withdrawal and apathy making it rather difficult to achieve your academic and personal goals.

Coordination is greatly affected by marijuana use since it slows reflexes and impairs visual perception. Driving while under the influence (or being driven by someone else under the influence) can be as dangerous as driving under the influence of alcohol. Regular use can lead to a variety of health problems such as elevated blood pressure and decreased body temperature; irritation of the mouth, throat, and lungs, and aggravation of asthma, bronchitis, and emphysema; chronic lung disease and cancer. Additionally, marijuana can lead to a positive drug test for as long as three months after your last use.

3. **Tobacco:** The ingestion of nicotine through cigarette smoking is highly toxic, addictive, and can result in emphysema and cancer. Emphysema destroys the lung's capacity to expand and contract which causes decreased oxygen intake leading to organ damage. Smoking has been linked to cancers of the lung, mouth, throat, pancreas, cervix, kidney, and bladder. Smoking cigarettes can also affect the health of non-smokers. Environmental tobacco smoke contains many of the toxic substances the smoker inhales. Chewing tobacco and snuff are **not** safe alternatives to cigarettes. They are highly addictive, contain more nicotine than cigarettes, and cause rapidly-spreading cancers of the mouth, head, and neck.
4. **Ecstasy (MDMA):** Although Ecstasy (MDMA) has been publicized as a "feel good" designer drug, it is actually a hallucinogenic-amphetamine that can lead to a variety of physical problems such as cardiac difficulties, dangerously high body temperature, severe thirst and heat exhaustion, sensory distortion and heightened arousal. Even with limited use, it can permanently alter serotonin levels in your brain, which can increase the risk of chronic depression.
5. **Steroids:** Anabolic steroids are synthetic versions of the male hormone testosterone. Used medically to supplement normal hormonal levels after injury or disease, others use steroids to increase muscle mass, reduce body fat, and enhance endurance. Steroid use can lead to a variety of health problems such as: liver disease and cancer; testicular atrophy, breast reduction, failure of secondary sex characteristics, sexual dysfunction, sterility, impotence, or fetal damage; acne, growth problems, or bone fusion. Psychological problems include aggression, violence, and uncontrolled anger ("roid rage"), rapid mood swings, and psychotic episodes.
6. **Cocaine:** Cocaine is a potent drug with effects that begin almost instantly. Cocaine use can lead to many health problems, such as damaged nasal tissues, kidney damage, or stroke; diseases of the

lung, heart, and blood vessels; malnutrition, cardiac arrhythmia, convulsions, seizures, suppression of respiration, or sudden death. Psychological difficulties include intense anxiety and anger, restlessness, fear, paranoia, depression, and hallucinations. The effects of increased adrenaline fade fast resulting in a desire for more which increases the risk of repeated use and addiction.

7. **LSD:** LSD dramatically alters normal mental and emotional processes. Initial effects are mostly physical: dilated pupils, muscular weakness, rapid reflexes, decreased appetite, and increased blood pressure and body temperature. Subsequently, LSD scrambles your brain chemistry, significantly distorting thought and sensation which results in unusual or frightening hallucinations. LSD can trigger more serious problems for individuals with a history of emotional difficulties or psychological problems. Effects may recur days or weeks later without further use (flashbacks).
8. **Amphetamines:** Amphetamines speed up the brain and nervous system. Even limited use can lead to many physical and emotional effects including increased heart rate and blood pressure; heart, brain, and lung damage, chronic fatigue and malnutrition. Psychological effects include anxiety, depression, mood swings, hallucinations, paranoia and psychosis.
9. **Heroin:** In recent years the potency of heroin has increased making it easier to achieve similar effects without injection. This has led to more individuals experimenting by snorting and smoking heroin. Regardless of the type of use, tolerance increases quickly resulting in a rapid addiction process as well as heightened physical cravings. Heroin use can lead to many physical effects such as: drowsiness and loss of appetite, addiction with severe withdrawal symptoms, impaired mental functioning, slowing of reflexes and physical activity; infection, hepatitis, and HIV (from needle sharing), or death from overdose.
10. **Predatory Drugs:** These drugs are given to another person without their awareness of it, usually by slipping them into a drink. Rohypnol, better known as roofies, is a potent tranquilizer that is notorious for its use in sexual assaults. It is usually slipped into a drink, rendering the person helpless and immobile. Sedation occurs 20 to 30 minutes after administration and leaves the person feeling drowsy, dizzy, and disoriented. In addition to these sedative effects, impaired balance and/or speech, and memory loss are common.

Like rohypnol, GHB has also been associated with sexual assault. In its clear liquid form, it can easily be slipped into someone's drink undetected. Effects of the drug can be felt in 15-20 minutes and also include dizziness, heavy drowsiness, and confusion. Some people use GHB to enhance the effects of alcohol or other drugs. This combination can be especially life-threatening. GHB use can lead to a variety of physical problems such as dizziness, nausea, breathing problems, memory loss, seizures, unconsciousness, and in some cases, death.

Originally used as an animal tranquilizer, ketamine is now used as a club drug due to its hallucinogenic effects. Many serious negative effects can result from use including vomiting, numbness, loss of muscle control, paranoia, and aggression. In larger doses, effects may include convulsions, decreased oxygen to the brain, coma and even death. Individuals who use ketamine are at increased risk for sexual and physical assault since their loss of muscle control and mental state make them unable to combat assault.

11. **Prescription Drugs:** The misuse or abuse of prescribed medication is increasing in our society. This form of drug abuse can have dire consequences, especially when combined with other common recreational/prescribed drugs or alcohol. If you or someone you know have physical pain or emotional suffering, we urge you to see your doctor so that your condition can be accurately

diagnosed and properly treated. To use medications outside their intended use can cause unintended damage to health or even death.

### **Educational Programs and Resources for Assistance**

Saint Mary's College strives to create a campus environment that minimizes risks associated with alcohol and other drug use. In order to promote the well being of the College community, and in compliance with the Drug-Free Schools and Communities Act (34CFR Part 86, Subpart B, 1989), educational programs regarding alcohol and other drugs are provided. These programs address problems associated with alcohol and other drug misuse, coping with peer pressure, risk reduction, development of healthy lifestyles, stress management, and identifying and helping others with alcohol and other drug problems.

The College offers services to students regarding issues related to alcohol and other drug use. Those concerned about a person's life and health relative to alcohol and other drug use are urged to seek available resources. Students are encouraged to seek assistance from the Counseling Center and the Health and Wellness Center for evaluation and/or referral. Information obtained regarding a student during participation in such programs or services will be treated as confidential, in accordance with federal and state laws.

### **Information/Referral Services Alcohol and Other Drugs**

#### **On Campus**

Alcohol and Other Drug (AOD) Program .....	925-631-4364
Alcohol Review Committee .....	925-631-4704
Mission and Ministry.....	925-631-4366
Counseling Center .....	925-631-4364
Dean of Students .....	925-631-4235
Health and Wellness Center .....	925-631-4254
Public Safety .....	925-631-4282
Residence & Community Life.....	925-631-4236
Student Involvement and Leadership.....	925-631-4704
Student Life .....	925-631-4235

#### **Community Resources**

Al-Anon/Alateen .....	925-932-6770
Alcohol Beverage Control .....	510-622-4970
Alcoholics Anonymous .....	925-939-4155
Marijuana Anonymous .....	510-287-8873
Moraga Police Department.....	925-376-2515

### **Legal Statutes**

Students, faculty, staff, administration, alumni, and guests of Saint Mary's College are responsible for the observance of applicable laws and local ordinances or codes with respect to alcoholic beverages and illegal drug use. These laws prohibit the consumption of alcoholic beverages by anyone under 21 years of age. Additionally, it is unlawful to sell, purchase, deliver, or furnish alcoholic beverages to anyone under 21 years of age or to any obviously intoxicated person.

In accordance with the Drug-Free Schools and Communities Act of 1989, the applicable laws are listed below to indicate the types of conduct that are in violation of statutes and the range of legal sanctions

that can be imposed. This is not intended to be a comprehensive list of all applicable laws regarding alcohol beverage use, as other statutes may apply.

### **Federal Statutes**

1. The manufacture, sale or distribution of all scheduled illicit drugs constitutes a felony. (21 U.S.C. §841)
2. Scheduled drugs include the various narcotics, barbiturates, amphetamines, cocaine, cannabis, hallucinogens, and synthetic drugs, e.g. PCP, MPTp, MDMA. (21 U.S.C. §812)
3. Simple possession of controlled substances can be punished by civil fines of up to \$10,000 per violation and a jail sentence. (21 U.S.C. §§844 and §844a)
4. Distribution or possession with intent to distribute a controlled substance on College property requires a sentence enhancement of up to twice the prescribed sentence for the original offense and at least twice the prescribed amount of parole time. This provision also calls for a mandatory sentence of not less than one year in prison for any offense except possession of less than 5 grams of marijuana. (21 U.S.C. §853a)
5. Persons convicted of possession or distribution of controlled substances can be barred from receiving benefits, such as student loans, grants, contracts and professional and commercial licenses, except some long-term drug treatment programs. (21 U.S.C. §853a)
6. Aliens convicted of a violation of any law or regulation of a state, the United States, or a foreign country, are subject to deportation and exclusion from entry to the United States. (8 U.S.C. §§1182, 1251)
7. Persons who are health care providers are barred from receiving payment from federal insurance programs upon conviction of a criminal offense involving distribution or dispensing of a controlled substance. (5 U.S.C. §8902a)
8. Property, including vehicles, aircraft, money, securities, or other things of value, used in, intended for use in, or traceable to transactions that involve controlled substances in violation of federal law are subject to forfeiture to the United States. (21 U.S.C. §881)

### **California Statutes (Alcohol)**

Other than where noted, violation of the statutes below constitutes a misdemeanor or infraction with a monetary penalty and/or mandatory community service.

1. No person may sell, furnish, give, or cause to be sold, furnished or given away, any alcoholic beverage to a person under the age of 21, and no person under the age of 21 may purchase alcoholic beverages. (CA Business and Professions Codes 25658a and b)
2. It is unlawful for any person under the age of 21 to possess alcoholic beverages on any street or highway or in any place open to public view. (CA B&P Code 25662a)
3. It is unlawful to sell alcoholic beverages any place in the state without a proper license from the Department of Alcoholic Beverage Control. (CA B&P Code 23301)
4. It is unlawful for any person to drink while driving (Vehicle Code 23220) or to have an open container of an alcoholic beverage in a moving vehicle as a driver or passenger. (Veh. Codes 23222 and 23223)
5. Individuals with a blood alcohol level of .08 or higher, a driver is presumed to be under the influence of alcohol. (Veh. Code 23152; sanctions vary with number and type of offenses but can include suspension or loss of driving privileges, alcohol education program and mandatory imprisonment with fine)
6. It is unlawful for any person under the age of 21 who has a blood alcohol level of .01 or greater to drive a vehicle. ("The Zero Tolerance Law" - Veh. Code 23136; blood alcohol level of .05 or greater - Veh. Code 23140; sanctions vary with number and type of offenses but can include suspension or loss of driving privileges and alcohol education program)
7. It is unlawful to operate a bicycle on a highway while intoxicated. (Veh. Code 21200.5; this law provides that bicyclists enjoy the same rights and are subject to the same regulations as motor vehicle operators)



8. It is unlawful to be intoxicated and disorderly, defined as being in a condition where you are unable to exercise care for your own safety or the safety of others, or if you interfere or obstruct any street, sidewalk, or public way. ("Disorderly Conduct" - CA Penal Code 647f)
9. It is unlawful for a person under the age of 21 to possess or present fraudulent evidence of age and identity in order to obtain alcohol and unlawful to transfer any form of identification for the purpose of falsifying age in order to secure alcoholic beverages. (CA B&P Code 25661)

### **California Statutes (Marijuana)**

1. The cultivation (i.e. growing or harvesting), possession for sale, or sale of marijuana constitutes a felony. A felony conviction can involve serving time in a state prison. (Cal. Health and Safety Code §§11350 et seq.)
2. Possession of one ounce or more of marijuana for personal use constitutes a felony, the conviction of which could require paying a fine and/or serving time in jail. (Cal. Health and Safety Code §§11350 et seq.)
3. Possession of less than one ounce of marijuana for personal use constitutes a misdemeanor, the conviction of which could require a fine up to \$100. (Cal. Health and Safety Code §§11350 et seq.)

### **Local Statutes**

The town of Moraga adheres to the Contra Costa County Code in regard to the public consumption of alcohol.

1. It is unlawful for any person to possess an open container of an alcoholic beverage on any public street, sidewalk, parking lot, playground, or other public facility. (County Code 54-16.002; infraction subject to citation)
2. It is unlawful to possess an open container of an alcoholic beverage and remain on premises where alcoholic beverages are sold for off-site consumption, or on an adjacent sidewalk or parking lot if the premises post signs indicating so. (Cty. Code 54-14.002; infraction subject to citation)
3. Certain parties on private property unlawful. No person may allow or host a party at any property under his or her control where five or more persons under the age of twenty-one (21) are present and alcoholic beverages are in the possession of, or are being consumed by, any person under twenty-one (21) years of age. (Town of Moraga Municipal Code Chapter 9.06)

### **Alcohol Regulations - Prohibited Conduct**

Whether one chooses to drink alcohol or use other drugs, members of the College community are exposed to the secondhand consequences of others' excessive use. These can range from damaged property, physical and sexual assault, and unwanted sexual advances, as well as disrupted sleep and studying, interruptions in classes, and harassment. High-risk use of alcohol and use of other drugs impacts both the quality and safety of our environment and the student's college experience.

Students and their guests are expected to abide by the Code, this Policy and state and local laws/ordinances relative to the possession, consumption and distribution of alcoholic beverages.

Alleged violations of the following regulations will initiate the student discipline process:

1. Persons who are under 21 years of age may not possess or consume any alcoholic beverage or possess alcoholic beverage containers, full or empty, anywhere on campus, including in a residence hall room for the purpose of decoration. Underage students who are in locations where other underage persons are consuming or possessing alcohol will be considered to be in violation of this policy even if they do not have alcohol on their person.
2. Persons who are 21 years of age or older may possess and consume alcohol in their residence hall room but may not offer, give, provide or otherwise make alcohol available to anyone underage or to an obviously intoxicated person.
3. Alcohol may not be possessed or consumed in any public area of campus unless at a College sponsored activity at which alcohol is served in accordance with guidelines provided for in this

Policy. A public area is defined as those areas of the campus that are readily accessible to students, faculty, staff and guests. Public areas include, but are not limited to, lounges, lobbies, stairwells, balconies, hallways, roofs, classrooms, parking lots, and outside areas.

4. The possession of kegs, "party-balls", "beer bong", or similar common-source or oversized containers is not permitted on campus unless at a College sponsored activity at which alcohol is served in accordance with guidelines provided for in this Policy. A common-source of alcohol is also defined as a quantity of alcohol more than can be responsibly consumed by an individual.
5. Violating this Policy, including but not limited to being in an intoxicated state by a student and/or their guest while on-campus or by a student attending or participating in off-campus College sponsored/affiliated events is prohibited.
6. Driving a motor vehicle after having consumed alcohol is prohibited.
7. Disorderly conduct, property destruction, violations of the rights of a roommate, intimidation or other infringements of the rights of others as a result of alcohol use is prohibited. Intoxication or alcohol abuse is not an excuse for unlawful behavior or violations of the Code or other College policies.
8. Alcohol is not permitted at athletic events or in/on College athletic facilities unless at a College sponsored activity at which alcohol is served in accordance with guidelines provided for in this Policy.
9. Students and/or their guests may not furnish or attempt to furnish false information regarding their age and/or identity in order to possess or consume alcohol.

### **College Responses for Alcohol**

Saint Mary's policy on the use of alcohol combines observance of federal, state and local laws, protection of the overall community and reduction of high risk conduct by students. Alleged violations of the Prohibited Conduct will initiate the student discipline process. Sanctions will vary depending on the nature of the offense and these responses are meant to act as minimum sanctions. In addition to the minimum sanctions, a student may also be referred to Counseling and/or the Health and Wellness Center for an assessment. A student's discipline record is cumulative during his/her enrollment and applies to incidents on and off campus. However, a one-time grace is allowed for a Category I, First Offense. Such an offense will be removed from consideration of future sanctions if no further violations of alcohol or other drugs regulations occur for at least one calendar year.

1. **Category I:** underage possession or consumption of alcohol; possession or consumption in public; being present at a location where alcohol is being consumed and where it is a violation to possess alcohol; furnishing or attempting to furnish false information regarding age and/or identity; possession of a "beer bong".
  - a. **First Offense:** education project/program and warning.
  - b. **Second Offense:** education project/program, warning/probation and \$100.00 fine.
  - c. **Third Offense:** education project/program, Health and Wellness Center educational program(s), probation/stayed suspension/suspension, stayed residence hall suspension/residence hall suspension, \$150.00 fine and parental notification\*
  - d. **Fourth Offense:** stayed suspension/suspension, stayed residence hall suspension/residence hall suspension/residence hall expulsion, \$250.00 fine and parental notification\*
2. **Category II:** regardless of age, student exhibits any of the following behaviors while under the influence of alcohol: intoxication, disorderly conduct, verbally disruptive or abusive, fist fights, vomiting but coherent and conscious; providing alcohol to an underage or obviously intoxicated person; possession of kegs or other common source or over-sized containers; use of a "beer bong;" consumption of large quantities of alcohol regardless of physical appearance.
  - a. **First Offense:** education project/program, warning/probation, \$100.00 fine and parental notification\*

- b. **Second Offense:** education project/program, Health and Wellness Center educational program(s), probation/stayed suspension, stayed residence hall suspension/residence hall suspension, \$150.00 fine and parental notification\*
  - c. **Third Offense:** education project/program, stayed suspension/suspension/expulsion, residence hall suspension/residence hall expulsion, \$250.00 fine and parental notification\*
- 3. **Category III:** regardless of age, student exhibits any of the following behaviors: vomiting and/or incoherent, unconscious, needed or received medical attention (including treatment by EMTs and/or transport to hospital, and/or including treatment at College sponsored events), loss of control of bodily functions, memory loss; a pattern of alcohol abuse; driving a motor vehicle after the consumption of alcohol.
  - a. **First Offense:** education project/program, Health and Wellness Center educational program(s), probation/stayed suspension, stayed residence hall suspension/residence hall suspension, \$150.00 fine and parental notification\*
  - b. **Second Offense:** stayed suspension/suspension/expulsion, residence hall suspension/expulsion, \$250.00 fine and parental notification\*

*\*Generally, only the parents/guardians of those students under the age of 21 will be notified in these cases. Please refer to the Parental Notification Policy for further explanation of this policy.*

### **Illegal Drugs Regulations - Prohibited Conduct**

Students are expected to abide by the Code, this Policy and federal, state and local laws/ordinances relative to the illegal possession, use or distribution of controlled substances, illegal drugs and drug paraphernalia. Alleged violations of the following will initiate the student discipline process.

1. The possession, use, sale, distribution or manufacture of any controlled substance, illegal drug and/or drug paraphernalia or the association with gatherings involving such possession, use or distribution is prohibited. Drug paraphernalia includes, but is not limited to, bong, pipes, hookahs, water pipes, "whip- it's," and roach clips. Students who are in locations where any controlled substance and/or illegal drug is being used will be considered in violation of this Policy even if they do not have the substance and/or drug on their person. In accordance with the Drug Free Schools and Community Act of 1989, the College does not allow the possession or use of marijuana on campus for any reason.
2. Possession of large quantities and/or the actual or attempted sale, distribution, cultivation or manufacture of any controlled substance, illegal drug and/or drug paraphernalia is prohibited.
3. The illegal use of or misuse/abuse of prescription or other legal drugs is prohibited.
4. Driving a motor vehicle after having used any illegal drugs or controlled substances is prohibited.
5. All illegal drugs or controlled substances and paraphernalia will be impounded and are subject to forfeiture without reimbursement or return to the person from whom they were confiscated.

### **College Responses for Illegal Drugs**

Alleged violations of the Prohibited Conduct will initiate the student discipline process. Sanctions will vary depending on the nature of the offense and these responses are meant to act as minimum sanctions. In addition to the minimum sanctions, a student may also be referred to Counseling and/or the Health and Wellness Center for an assessment. A student's discipline record is cumulative during his/her enrollment and applies to incidents on and off campus.

1. **Category I:** Possession of drug paraphernalia or objects that could be used as drug paraphernalia; being in a location where controlled substances and/or illegal drugs are present.
  - a. **First Offense:** education project/program, warning/probation and \$50.00 fine

- b. **Second Offense:** education project/program, probation/stayed suspension, stayed residence hall suspension/residence hall suspension, \$150.00 fine and parental notification\*
  - c. **Third Offense:** education project/program, stayed suspension/suspension, residence hall suspension/residence hall expulsion, \$250.00 fine and parental notification\*
- 2. **Category II:** Possession and/or use of any controlled substance or illegal drug regardless of quantity, including seeds and/or residue; illegal use of or misuse/abuse of prescription or other legal drugs.
  - a. **First Offense:** education project/program, probation/stayed suspension, stayed residence hall suspension/residence hall suspension, \$150.00 fine and parental notification\*
  - b. **Second Offense:** education project/program, **Health and Wellness Center educational program(s)**, stayed suspension/suspension, stayed residence hall suspension/residence hall suspension/residence hall expulsion, \$250.00 fine and parental notification\*
  - c. **Third Offense:** expulsion and parental notification\*
- 3. **Category III:** Possession of large quantity and/or the actual or attempted sale, distribution, cultivation or manufacture of any controlled substance, illegal drug and/or drug paraphernalia; driving a motor vehicle while under the influence of illegal drugs or controlled substances.
  - a. **First Offense:** suspension/expulsion, residence hall expulsion, \$250.00 fine and parental notification\*
  - b. **Second Offense:** expulsion and parental notification\*

*\*Generally, only the parents/guardians of those students under the age of 21 will be notified in these cases. Please refer to the Parental Notification Policy for further explanation of this policy.*

### **Guidelines for Events Where Alcohol Will Be Available**

Student Involvement and Leadership (925-631-4704) approves all events at which alcohol will be present. All events at which students may be in attendance (sponsored by any campus constituency) and alcohol is served must be registered and/or approved through Student Involvement and Leadership (SIL).

Only officially recognized (chartered or affiliate) student organizations may sponsor events where alcohol is served. The sponsoring organization must submit a request to serve alcohol to SIL a minimum of three (3) weeks prior to the proposed event date (late proposals will NOT be considered). The sponsoring organization/department must have a faculty of staff member present for the duration of the event to serve as the on-site event manager. This person may not consume any alcohol or other drugs prior to or at the event and is responsible for monitoring compliance with the Alcohol and Other Drugs Policy, obtaining the necessary one-day permit through the California Department of Alcohol Beverage Control, and possessing the permit at all times during the event.

No individual under the age of 21, or anyone who is obviously intoxicated may be served, or permitted to consume, alcoholic beverages at any event. Identification must be checked by entry monitors prior to being served alcohol and must consist of a valid driver's license, passport, or official California identification card, and, for Saint Mary's College students, a Saint Mary's College student ID card. Students of legal age are required to wear wristbands during the event.

If the event involves students under the age of 21, alcohol must be served by trained bartenders and served and consumed in a specific area designated for persons 21 and older. Anyone who

intentionally furnishes false information regarding his/her age shall be subject to disciplinary action. Only one (1) drink may be served at one time.

Only beer or wine may be served at student-sponsored events. Distilled liquor in any form is not permitted. Food and non-alcoholic beverages must be available at the event and a reasonable portion of the budget must be designated for this purpose. Non-alcoholic beverages must be attractive, and displayed with equal prominence as the alcoholic beverages.

The amount of alcoholic beverages and food items available at an event is to be appropriate for the expected number of guests and duration of the event as determined by Student Involvement and Leadership. Oversized containers (including, but not limited to, kegs, party balls, or beer trucks) may be allowed at student-sponsored events only with the approval of the Assistant Dean of Student Life for Leadership, Involvement and Diversity.

Alcoholic beverages may not be served during or after the last hour of any student-sponsored event. The hours and timing of the event will be determined in consultation with Student Involvement and Leadership. Free alcoholic beverages are **not** allowed at student-sponsored events. A minimum of \$1.00 per drink must be charged and all drinks must be dispensed individually in cans or plastic containers by event bartenders.

Student Involvement and Leadership has the right to alter or redefine, as a condition of approval, any of the above regulations as they relate to a specific department or organization. If, at any time, the well-being of the community members is deemed to be threatened, appropriate and prompt action will be taken by the College.

#### **Guidelines for Faculty/Staff/Alumni/Administration Sponsored Campus Events**

Faculty/staff/alumni sponsors of College events where students may or may not be present and where alcohol will be offered are required to submit an Alcohol Service Form to SIL two (2) weeks prior to the event. This document lists the sponsor(s) of the event and requires acknowledgment of understanding and agreement to adhere to College policies and procedures.

#### **Guidelines for Off-Campus Events**

Saint Mary's College recognizes the role and importance of off-campus events. Groups associated with the College who participate in and sponsor social, service, and educational events must adhere with the Policy and understand their responsibility as a result of their association with the College. In addition, sponsoring groups must provide supervision of designated College official(s) for the duration of the event. Further, groups must adhere to the College's policies for on-campus events and additional stipulations depending on the nature of the event. Student Involvement and Leadership reserves the right to modify events in order to meet college policies and procedures.

The following guidelines regarding the availability of alcoholic beverages at off-campus events pertain to all members of the College community. These guidelines in no way relieve any public establishment of their obligation to observe and enforce the law.

1. The sponsoring group must abide by applicable laws and local ordinances or codes regarding alcohol. The group should take appropriate steps to prevent underage drinking and the consumption of alcohol by intoxicated persons.
2. The sponsoring group should promote responsible behavior and the general welfare of the sponsoring group, its individual members, and others participating in or associated with the event during that time.
3. At such events, the behavior of the group, individuals, and guests are governed by the regulations set forth in the Code and other College policies.

### **Publicity and Sponsorship for Student Sponsored Events**

The consumption of alcoholic beverages shall neither be the primary purpose of a student event (including, but not limited to, progressive drinking events) nor be used as an inducement to participate in an event. Promotion and advertising of an event may indicate that alcohol will be available for purchase and must indicate that "ID will be required." Also, the promotion and advertising of an event shall not portray symbols of alcoholic beverage consumption (including, but not limited to, foaming mugs, cans, glasses and kegs), excessive consumption (including, but not limited to, drinking contests and competitions) or emphasize frequency or quantity of alcoholic beverage consumption.

The sponsorship of events by alcoholic beverage companies is limited to cash donations, donated materials for College alcohol educational programs, and donated products (other than those which directly promote or advertise alcoholic beverages) in support of fund-raising or other special events as approved by the Vice Provost for Student Life or the Assistant Dean of Student Life.

### **Amorous Relationships**

Amorous relationships are those romantic or sexual relationships to which both parties appear to have freely consented. When such a relationship involves a power differential between two members of the College community, it is of concern to the College, and such relationships should be avoided due to:

- The potential conflict of interest that arises when an individual supervises, evaluates, coordinates, directs, advises, hires, terminates, instructs, promotes, or grants pay raises or other benefits to another person, or provides professional services (e.g., counseling) to another individual with whom that person has an amorous relationship.
- The potential for unintended consequences that results because these types of relationships may develop or exist solely as a result of the power differential, which may or may not involve sexual harassment as proscribed by the College's policy prohibiting sexual harassment.

### **Policy**

The College discourages amorous relationships where there is a power differential between the parties or where the potential exists for such a power differential in the foreseeable future. Three examples of relationships involving power differentials are (This list is not all-inclusive.):

- That between faculty and student, including those involved in formal instruction, advising and tutoring.
- That between staff and student.
- That between employee and supervisor.
- That between the provider (e.g., staff) and recipient of educationally related College or College-related services (including those involved in counseling, student services such as registration and financial aid, and athletic coaching).

Of special concern to the College are amorous relationships initiated between a faculty or staff member and a student while the former is instructing, advising or mentoring the latter. Such circumstances pose extraordinary risks of compromising or appearing to compromise the College's central mission and of breaching the faculty's commitment to the welfare of its students. Hence, the College expects faculty members and staff employees to refrain from initiating or participating in such a relationship.

### **Procedures**

If an amorous relationship exists or develops between individuals having a power differential within the College, the person with greater power shall report the relationship to an appropriate supervisor or to the Director of Human Resources. The supervisor or the Director shall make suitable arrangements:

- To ensure the objective evaluation of that person's performance, and

- To protect affected individuals and the integrity of the College's functioning as well as the confidentiality of all those involved.

### **Other Considerations**

Employees engaged in conduct of the type described in this policy may also violate the College's policy prohibiting sexual harassment. In addition, all faculty members, supervisors, and other employees should understand that there are substantial risks even in consenting amorous relationships where a power differential exists. Even if the conflict of interest issues are resolved, charges of sexual harassment may develop. A faculty member's or supervisor's protection under applicable law, including legal representation provided by the College, may not apply because such relationships may be outside the scope of one's employment. Furthermore, in administrative actions or lawsuits resulting from allegations of sexual harassment, consent may be very difficult to establish where a power differential exists. Even relationships in which there is no direct power differential may cause difficulties because faculty or staff employees engaged in such a relationship may, in the future, be placed in a position of responsibility for the student's or employee's instruction or evaluation.

### **Sanctions**

The process for investigating an alleged violation of the of the College's Amorous Relationship Policy and the sanctions for a violation of this Policy are the same as the process for investigating possible violations of the College's Non-Discrimination (Sexual Harassment) and Retaliation Policies and the sanctions for violation of these Policy, which may include administrative leave without pay, transfer, demotion and termination.

### **Cohabitation Policy**

Saint Mary's College of California, as a Catholic College, does not condone sexual relations by unmarried students and may take disciplinary action when the College has knowledge of such conduct. The College also prohibits the cohabitation by students who are dating partners, regardless of gender, in College-sponsored housing.

### **Community Assembly**

Saint Mary's College is a community dedicated to the intellectual enrichment and personal development of all its members through study, inquiry and continuing communication with one another. Every member of the community bears the responsibility of acting in an orderly and civil manner in communication with others. Rational discussion is the hallmark of such communication in this educational environment committed to the active pursuit of truth, understanding, and the dignity of all.

Formal and informal dialogue, participation in committees, and the proceedings of the student government and College committees are accepted avenues of communication. The College recognizes the right of members of the community to express their views individually and collectively in matters of institutional policy or on matters of interest to the community as a whole. The College will not officially recognize any student organization, club, or group organized to advocate or promote behavior which is illegal or in conflict with the official teachings of the Catholic Church. Registration and/or approval of the gathering must be obtained from Student Involvement and Leadership prior to publicizing and the actual event. All public assemblies, therefore, are expected to assure the following factors in order to be considered both appropriate and permissible at the College:

1. It is orderly and peaceful.

2. Participants do not restrict the freedom of expression, of movement, or any other fundamental freedom of others.
3. Participants do not threaten or cause personal injury, damage or destruction of property.
4. It does not threaten, disrupt, or impair the regular or essential operations of the College, especially those of an academic or administrative nature, or of an extracurricular or social function.
5. The event or material distributed does not advocate behavior that is illegal or in conflict with the Catholic values and traditions of the College.

### **FERPA Policy (Family Educational Rights and Privacy Act of 1974)**

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. FERPA also protects the privacy of these records and requires the College to inform all students of the granted rights and safeguards. FERPA gives students the following rights:

- A. *The right to inspect and review the student's education records:* A student may review education records directly concerning the student within 45 days of the day the College receives a request for access. Students shall submit their requests to the Office of the Registrar, who is authorized to review each request and to approve requests which are proper. The Registrar will make arrangements for access and will notify the student of the time and place where the records may be inspected. Students may request copies of their records. A student may be charged for this service, but the amount will not exceed the actual cost of producing the records. A student may be charged for this service, but the amount will not exceed the actual cost of producing the records. The College does not provide copies of documents (discipline record, high school transcripts, transcripts from other colleges, test scores, letters of recommendation, etc.), unless failure to receive a copy would interfere with the student's ability to inspect or review his/her education record or other arrangements cannot be made in order for the student to review and inspect their record.

There are certain records which a student may not review, including, (i) financial records of parents; (ii) confidential letters and recommendations relating to admissions, employment and honors, for which a waiver of the right of access has been signed by the student, provided that upon request the student is given the names of those persons writing letters; (iii) a physician's or psychologist's records (a student may, however, provide the College with written authorization to have his or her own physician or other appropriate professional review the records); and (iv) records of personnel of the College which are "sole possession records" (e.g. memory aids or reference tools/notes used by the maker thereof and are not made accessible to or revealed to other persons). In addition, where a record contains information that concerns more than one student, a student requesting inspection will be informed about the information only insofar as it pertains to that student.

- B. *The right to request the amendment of the student's education records:* A student may ask the College to amend a record that the student believes is inaccurate. The student should write the College official responsible for the record, clearly identify the part of the record he or she wants changed, and specify why it is inaccurate. A student also has the right to insert in his or her records written explanations concerning the content of his or her records if a request to make a change has been denied (see below). Please note that FERPA does not give any student the right to contest a grade given in a course, but does give the student the right to seek to correct an improperly recorded grade. If the College decides not to amend the record as requested by the student, the College will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. A representative from the office of Academic



Affairs has been designated as the hearing officer. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

- C. *The right to consent to disclosures of personally identifiable information:* Personally identifiable information contained in the student's education records may not be disclosed without the student's consent, except to the extent that FERPA authorizes disclosure without consent. One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. A school official is a person employed by the College in an administrative, supervisory, academic or research, or support staff position (including public safety personnel and health staff); a person or company with whom the College has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a discipline or grievance committee, or assisting another school official in performing his or her tasks. In addition, the College may, but is not required to, disclose personally identifiable information from an education record of a student without consent if the disclosure meets one or more of the following conditions:
1. The disclosure to officials of other universities in which a student seeks enrollment, provided that the student is given notice of the disclosure, is provided with a copy of the records disclosed (if so requested by the student), and is given the opportunity to review and challenge the records sought. College policy is to forward only Saint Mary's College transcripts and only upon a student's written request.
  2. The disclosure is to an authorized representative of the Comptroller General of the United States or to certain federal, state and local educational authorities.
  3. The disclosure is in connection with financial aid for which the student has applied or which the student has received.
  4. The disclosure is to State and local officials or authorities under applicable state laws concerning the juvenile justice system.
  5. The disclosure is to organizations conducting studies, provided that the study is conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization and the information is destroyed when no longer needed for the purposes for which the study was conducted.
  6. The disclosure is to accrediting organizations to carry out their accrediting functions.
  7. The disclosure is to parents of a dependent student, as defined in section 152 of the Internal Revenue Code of 1954.
  8. The disclosure is to comply with a judicial order or lawfully issued subpoena and the College has made a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance, so that the parent or eligible student may seek protective action, unless the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.
  9. The College initiates legal action against a parent or student and has made a reasonable effort to notify the parent or eligible student so that the parent or eligible student may seek protective action.
  10. The disclosure is in connection with a health or safety emergency, if knowledge of the information is necessary to protect the health or safety of the student or other individuals.
  11. The disclosure is information the educational agency or institution has designated as "directory information" (see below).
  12. The disclosure is to an alleged victim of any crime of violence of the results of any discipline proceeding conducted by an institution of post-secondary education against the alleged perpetrator of that crime with respect to that crime.

- D. *The right to file a complaint with the U.S. Department of Education:* A student may file a complaint concerning an educational institution's alleged failure to comply with the requirements of FERPA. The name and address of the office that administers FERPA is: *Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, Washington, DC 20202-4605.*

### **Directory Information**

Material classified as "directory" information can be released without student consent. Directory information, as defined by the College, includes the following: the student's name, date/place of birth, photographs, periods of enrollment, degrees, awards and honors received, major fields, campus or home address, e-mail address, student class schedules, telephone numbers, height/weight of student athletes and the most recent previous educational institution attended by the student. A student may, however, have all of the information withheld upon written notice to the Office of the Registrar given within ten days after the beginning of each semester.

### **USA Patriot Act and FERPA**

This Act permits designated federal officials to apply for a court order to obtain copies of student records relevant to an investigation of terrorism or other crimes, without notifying the student. All requests for such information should be referred to the Office of General Counsel.

### **Film Policy**

Only films that have been rated G, PG, PG-13, NC-17 or R by the Motion Picture Association of America (MPAA) may be rented with College funds and shown in a College facility. Any film unrated or rated X by the MPAA may not be secured with College funds or shown in a College facility. Use of films is restricted to those films rented through the appropriate distributor holding the necessary rights for public performance. Screening of any other films (for example, privately owned tapes/DVDs or those rented from a video store) for public viewing is a violation of copyright law, even when such screening is free, and is therefore prohibited on campus.

### **HIV and AIDS**

The purpose of the Policy on HIV/AIDS is to establish broad guidelines for responding to individuals infected with human immunodeficiency virus (HIV) within the Saint Mary's College community. The Policy is based, in part, on recommendations of the American Health Association, the Public Health Department and the Centers for Disease Control.

The primary responsibility of the College community with regard to HIV/AIDS is to maintain a healthy and safe educational environment for all members of the College community. The main purposes of such a response are to prevent the spread of infection by promoting and supporting behaviors which reduce the spread of infection, and to provide support for HIV infected individuals.

HIV, the virus causing AIDS (acquired immune deficiency syndrome), is transmitted by intimate sexual contact and by exposure to contaminated blood and body fluids. Current medical findings indicate that the individuals infected with HIV do not present a risk to others in an academic or work setting. Therefore, individuals with HIV will be permitted full access to College programs and activities, as long as they are physically and emotionally able to function as students and employees, and the College determines, based on an individualized assessment that the condition, with or without reasonable accommodation, presents no threat to themselves or other members of the College community. The College expects those testing positive for HIV to protect the welfare of others by acting responsibly in preventing the spread of the virus.

The College community will handle, with sensitivity, information relating to any student or employee with HIV/AIDS. Decisions regarding a student or employee with HIV/AIDS will be made on a case-by-case basis depending on the particular facts unique to each individual.

Please contact the Health and Wellness Center at 925-631-4254 for information about free and anonymous HIV testing.

### **Medical Leave of Absence**

One of Saint Mary's College's goals for students is to ensure a quality education while fostering an environment that promotes education, service, and the growth and safety of all members of its community. College officials may become aware of a student who may be seriously interfering with some aspect of that goal because of a physical, emotional, or psychological health condition. In these situations, College officials may consider the appropriateness of (1) utilizing the regular student disciplinary system, or (2) involuntary examination, hospitalization, and treatment for mental illness. In addition to, or instead of, either of those procedures, the matter may be handled as a potential medical leave of absence according to the procedures described in this policy.

If a student becomes pregnant during her time at the College, the Health & Wellness Center, the Counseling Center, the Women's Resource Center, Mission & Ministry and Student Disability Services (in the Tutorial and Academic Skills Center) are resources that are available. Students may meet with the Director of Student Disability Services to examine options for managing their academic careers, as they may be eligible for academic accommodations.

Involuntary medical leave of absence is not a substitute for appropriate disciplinary action. A student suffering from a mental disorder who is accused of a disciplinary violation should not be diverted from the disciplinary process unless, as a result of the mental disorder, the student either lacks the capacity to respond to the charges, or did not know the nature and quality of the act in question. This policy should not be used to dismiss students who have not otherwise engaged in conduct which poses a danger to themselves or to others, or which substantially disrupts normal College activities.

The College may also request or require a student to withdraw from the College when, as a result of their physical, psychological, or emotional health, the student engages or threatens to engage in conduct that: (1) poses a direct threat of harm to themselves or others, or (2) is disruptive to the extent that it either causes emotional, psychological, or physical distress to other members of the College community, or (3) substantially impedes the ability of other students, faculty, or staff to participate in the educational programs or employment opportunities offered by the College.

Students may also be requested or required to withdraw from the College if they refuse to cooperate with recommended procedures that allow for an accurate assessment of the student's physical or psychological functioning. Withdrawal may also be requested or required if a student's physical or psychological condition is of sufficient severity to substantially exceed the normal limits of the College's or locally available treatment resources and whose condition will deteriorate without additional resources.

### **Voluntary Medical Leave of Absence**

The following guidelines outline the College's procedure for granting a voluntary medical leave of absence. These guidelines are intended to provide a mechanism whereby an ill student will not be penalized for seeking treatment for his/her illness.

A student can be granted a voluntary medical leave of absence from the College in those cases in which the student's health is impeding normal academic progress. The student must submit written documentation establishing the need for leave to the Dean of Academic Advising & Achievement from the student's treating licensed and relevant non-familial health care professional. The Dean of

Academic Advising & Achievement will decide whether to grant the leave of absence, and may do so in consultation with the Director of Student Health & Wellness and/or other relevant private health care professionals. It is preferable, but not mandatory, that the Director of Student Health & Wellness Center or the Director of the Counseling Center be involved before a student departs on a voluntary medical leave of absence. In the event that a student is injured or becomes ill away from the College, a student may submit a written request to the Dean of Academic Advising & Achievement for a medical leave of absence and include documentation on the need for a medical leave from the treating physician.

Upon receiving a voluntary medical leave, the Dean of Academic Advising & Achievement will provide written communication to the student that shall include a rationale, the conditions and requirements that must be met and the process by which the student requests readmission. For administrative purposes students who have voluntarily withdrawn may be considered on leave from the College and the Dean of Academic Advising & Achievement will inform the Registrar.

Within five (5) days of receiving the written decision of the Dean of Academic Advising & Achievement, if a student is denied a voluntary medical leave, the student may appeal to the Vice Provost for Academic Affairs. The student shall state in writing the specific points the student wishes the Vice Provost to consider. The Vice Provost's decision is final.

When a student is placed on a voluntary medical leave of absence, the student will be withdrawn from all classes. Tuition and room and board reimbursement will be in accordance with established College withdrawal policy (see *Catalog of Courses*).

### **Immediate Interim Suspension**

In certain circumstances, the Dean of Students, or designee, may impose an Immediate Interim Suspension to immediately remove an individual from the College community for any of the following reasons: (1) to ensure the safety and well-being of members of the College community or to preserve College property; (2) to ensure a student's own safety or well-being; or, (3) if a student poses a threat of disruptions or interference with the normal operations of the College. Every attempt will be made by the Dean of Students, or designee, to meet as soon as possible with the student before implementing an Immediate Interim Suspension. If the student is to be suspended, the decision will be communicated in writing to the student. During the period of the Immediate Interim Suspension, the student may be denied access to College activities, facilities and/or classes or other privileges for which the student might otherwise be eligible, as the Dean of Students, or designee, may determine to be appropriate. The Immediate Interim Suspension shall remain in effect until the Dean of Students, or designee, determines that the reason for imposing the suspension no longer exists.

### **Involuntary Medical Leave of Absence**

The Dean of Students should be notified whenever a student appears to have a serious physical, psychological, or emotional disorder which offers reasonable cause to believe she or he may be a danger to self or others, or may disrupt proper activities of the College community and its members.

The Dean of Students will contact the student and seek voluntary resolution of the situation through investigation and review. Voluntary withdrawals are encouraged to maximize the participation of the student and his or her family in this process. Depending upon circumstances, an immediate professional assessment of the student's condition by the appropriate medical or mental health specialists, or both, or other appropriate resources may be required, including a report of the findings to the Health Review Team. A student who fails to meet the conditions for evaluation may be subject to an Immediate Interim Suspension.

The Health Review Team is comprised of the following individuals: Director of Student Health and Wellness or the Director of Counseling, the Dean of Academic Advising & Achievement and the Dean of Students, whom serves as the chairperson. In the absence of any individual, a designee may be appointed by the Vice Provost of Student Life.

Students who agree or are required to undergo an assessment will be scheduled to participate in a general review of status by the Health Review Team. This normally includes a personal interview of the student by the Team. The Team may also interview other individuals who have prior knowledge of the matter.

Additional assessments including, but not limited to, psychological testing, medical examination, or referral for psychiatric consultation may be required. The student must sign a waiver(s) allowing any attending medical or behavioral health professional to release the records and allow them to discuss these records with the Health Review Team.

The Health Review Team will receive all medical, psychological or observational reports submitted with regard to or on behalf of the student as may pertain to determining health status. Treatment and evaluative reports should include information pertaining to diagnosis, treatment, and prognosis.

Within a reasonable period of time after all personal interviews and other possible assessments are conducted and reviewed, the Health Review Team will render a decision. The written communication to the student shall include a rationale, the conditions and requirements that must be met and the process by which the student requests readmission. For administrative purposes students who have been involuntarily withdrawn may be considered on leave from the College and the Dean of Students will inform the Registrar.

Within five (5) days of receiving the written decision of the Health Review Team, if a student disagrees with the decision regarding involuntary withdrawal or readmission, the student may appeal to the Vice Provost for Student Life. The student shall state in writing the specific points the student wishes the Vice Provost to consider. The Vice Provost's decision is final.

When a student is placed on an involuntary medical leave of absence, the student will be withdrawn from all classes. Tuition and room and board reimbursement will be in accordance with established College withdrawal policy (see *Catalog of Courses*).

### **Readmission**

During any medical leave of absence, the College expects the student to undergo professional health-care treatment as the primary method of resolving the initial problem. Failure to seek ongoing treatment will raise serious doubt as to the student's readiness to return, and in such cases the College may withhold readmission until appropriate treatment has been received. The College expects that ill health which results in a medical leave must be treated satisfactorily in order for the student to return to the intellectual and emotional demands of campus life.

The College also requires that the student's off-campus primary health care provider make contact with the Director of Student Health and Wellness Center or the Director of the Counseling Center and discuss the nature of the problem that led to the student's taking medical leave. To facilitate this communication, the student must provide written releases to both parties to communicate freely with each other. This communication must occur prior to the beginning of the student's treatment to ensure that there is clarity regarding the medical and/or psychological problems that need to be addressed in treatment.

When a student is placed on a medical leave of absence, a letter from the Dean of Academic Advising & Achievement or the Dean of Students to the student will include the conditions and requirements that

must be met and the process by which the student requests readmission. A student who has withdrawn under the Medical Leave of Absence policy may not seek readmission to the College before the start of the subsequent fall or spring term.

A student wishing to return from a medical leave must initiate a request for readmission by writing a letter to the Dean of Students no less than four (4) weeks prior to the start of the fall or spring terms. Generally, readmission is not granted for Summer Session. The Health Review Team will consider the student's request based on a review of the entire record including any and all new information relevant to the matter, and may impose conditions on the student's readmission. The Team may interview the student but is not required to do so.

### **Transcripts**

A student who, under the Medical Leave of Absence policy, is allowed to withdraw or who is withdrawn will be given a "W" grade for each course in which the student is currently enrolled. An administrative hold will be placed on the student's record to prevent any unauthorized readmission by the student. All records concerning medical leaves of absence are considered confidential and will only be kept by the appropriate office(s) at the College.

### **Nondiscrimination Disclosure**

In compliance with applicable law and its own policy, Saint Mary's College of California is committed to recruiting and retaining a diverse student and employee population and does not discriminate in its admission of students, hiring of employees, or in the provision of its employment benefits to its employees and its educational programs, activities, benefits and services to its students, including but not limited to scholarship and loan programs, on the basis of race, color, religion, national origin, age, sex/gender, marital status, ancestry, sexual orientation, medical condition or physical or mental disability.

It is the policy of the College to not discriminate on the basis of sex in its admissions policies, educational programs, activities or employment practices as required by Title IX of the 1972 Education Amendments. Inquiries regarding compliance with Title IX may be directed to the Director of Human Resources, first floor of Filippi Hall, phone 925-631-4212, email [els3@stmarys-ca.edu](mailto:els3@stmarys-ca.edu) or to the Director of the Office for Civil Rights, Department of Health, Education and Welfare, Washington, D.C.

### **Parental Notification Policy**

The purpose of the Parental Notification Policy is to enhance campus safety, student health and academic success. In accordance with the Higher Education Amendments of 1998, the College is permitted to disclose to the parents/guardians of a student who is under age 21 information regarding the student's violation of any federal, state or local law or policy of the College governing the use or possession of alcohol or a controlled substance and the College has determined through the discipline process that the student was found responsible for a violation of such possession or use. Additional circumstances in which the College would notify parents/ guardians cannot be completely enumerated. However, if a true health or safety emergency exists, in order to protect the student or others, the College may make notification to parents/guardians.

Among several interventions utilized by the College for violations involving alcohol or controlled substance, the Dean of Students, or designee, will notify the parents/guardians of students who are under age 21 by telephone and/or letter if any of the following circumstances are met:

1. The student has shown a pattern of behavior of violations that indicate a potential physical or emotional problem.

2. The student was found responsible for a violation of federal, state or local law or College policy related to alcohol or other drugs in accordance with the College's standard responses for alcohol or drug offenses.
3. The student was required to be transported to a medical facility because of alcohol or other drug use.
4. The student has caused harm to him/herself or another while under the influence of alcohol or other drugs.
5. The student was arrested or taken into custody by police for being under the influence of alcohol or other drugs.
6. The student was arrested or taken into custody by police for possessing a large quantity of illegal drugs or for the actual or attempted sale of illegal drugs.
7. The student was responsible for vandalism or other destruction of property while under the influence of alcohol or other drugs.
8. The student was operating a vehicle while under the influence of alcohol or other drugs.
9. The information regarding the student is needed in connection with an emergency to protect the health or safety of the student or other individual.

### **Policy Prohibiting Discrimination and Harassment, Including Sexual, and Retaliation**

Saint Mary's College of California is committed to creating and maintaining a community in which all persons who participate in Saint Mary's programs and activities can work and learn together in an atmosphere free of all forms of discrimination, exploitation, intimidation, or harassment, including sexual, based on a legally protected characteristic or status. Every member of the Saint Mary's community should be aware that Saint Mary's will not tolerate harassment or discrimination on the basis of race, color, religion, national origin, ancestry, age, gender, sexual orientation, marital status, medical condition, or physical or mental disability, gender stereotyping, taking a protected leave (e.g. family medical or pregnancy leave) or on any other basis protected by applicable laws. Such behavior is prohibited both by law and by Saint Mary's policy. It is Saint Mary's intention to take whatever action may be needed to prevent, correct, and if necessary, discipline behavior which violates this policy, which may include suspension, termination, expulsion, or another sanction appropriate to the circumstances and violation. All members of the Saint Mary's community, including faculty, students, and staff are responsible for maintaining an environment that is free of sexual harassment and other forms of discrimination, harassment and retaliation as described in this Policy.

### **Definition of Sexual Harassment**

Sexual harassment is a form of sex discrimination, which is illegal under both federal and state laws. It can be verbal, visual, or physical. Although what constitutes sexual harassment will vary with the particular circumstances, it is defined as follows:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of instruction, employment, or participation in a College activity; or
- Submission to or rejection of such conduct by an individual is used as a basis for evaluation in making academic or personnel decisions affecting that individual; or
- Such conduct has the effect of unreasonably interfering with an individual's performance or creating an intimidating, hostile, or abusive working or learning environment.

Sexual harassment does not include verbal expression or written material that is relevant and appropriately related to course subject matter or curriculum, and nothing in this policy is intended to interfere with Saint Mary's educational mission or academic freedom, e.g., the ability of a teacher or student to examine examples of harassment appropriate to a particular subject.

A determination of whether particular conduct creates an intimidating, hostile or abusive work or learning environment is assessed from the point of view of a reasonable person in the complainant's position. Such a determination also takes into account the totality of the circumstances, including, but not limited to, the following:

- the frequency of the offensive conduct;
- its seriousness;
- whether it is physically threatening or humiliating;
- the location of the conduct and the context in which it occurred;
- the degree to which the conduct affected the education or employment environment; and
- the relationship between the parties.

### **Examples of Conduct Which May Be Sexual Harassment**

Examples of verbal, physical or visual conduct which may be sexual harassment include, but are not limited to:

- direct propositions of a sexual nature;
- sexual innuendoes and other seductive behavior, including subtle pressure for sexual activity such as repeated, unwanted requests for dates, and repeated inappropriate personal comments, staring, or touching;
- direct or implied threats that submission to sexual advances will be a condition of employment, promotion, grades, etc;
- conduct (not legitimately related to the subject matter of a course or curriculum, if one is involved) that has the effect of discomforting, humiliating or both, and that includes one or more of the following:
  - comments of a sexual nature, including sexually explicit statements, questions, jokes, anecdotes, or graphic material (e.g., visuals, such as screen savers, which are sexually explicit);
  - unnecessary or unwanted touching, patting, massaging, hugging or brushing against a person's body or other conduct of a physical nature;
  - remarks of a sexual nature about a person's clothing or body;
  - insulting sounds or gestures, whistles, or catcalls;
  - invading someone's personal space or blocking her/his path;
  - unwelcome and inappropriate letters, telephone calls, electronic mail, or other communications;
  - displaying sexually suggestive objects, pictures, cartoons or posters (e.g. screen savers).
- a consensual romantic or sexual relationship which:
  - causes adverse treatment of third parties; or
  - creates a hostile or intimidating working or learning environment for third parties;
- stalking (which is also criminal behavior);
- sexual assault (which is also criminal behavior).

Some conduct that may appear to be consensual may also be unacceptable.

Sex/gender based discrimination, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on a person's gender or gender-based characteristics, but not involving conduct of a sexual nature (e.g., the repeated sabotaging of female students' laboratory experiments by male students in the class), may be a form of sex discrimination prohibited by law. While sex/gender-based discrimination may be distinguished from sexual harassment, acts of sex/gender-based discrimination may contribute to the creation of a hostile work or academic environment. Thus, a determination of whether a hostile environment due to sexual harassment exists may take into account acts of sex/gender-based discrimination.



Not all sexual harassment occurs between persons of differing power. Sexual harassment may also occur between peers. In addition, while the majority of reported cases of sexual harassment involve a male harassing a female, sexual harassment may also involve a female harassing a male, or an individual harassing a person of the same gender.

**NOTE:** Nothing in Saint Mary's policy prohibiting sexual harassment should be construed to prevent employees from rigorously challenging fundamental beliefs held by students and society. However, employees may not interject into the academic setting sexual material that is unrelated to any legitimate educational objective or allow the educational setting to be so sexually charged that Saint Mary's students are prevented from effectively participating in the academic environment.

### **Retaliation and/or Violation of Interim Protections**

Threats or other forms of intimidation and/or retaliation against a student or employee for bringing a complaint of alleged discrimination, harassment (including sexual or sexual assault) or of any other violations of College policies, including but not limited to the Student Code of Conduct, are prohibited. This prohibition includes threats or other forms of intimidation and/or retaliation against the family or friends of a student or employee who brings a complaint under this policy, or those who assist a student or employee in bringing a complaint, or those who participate in an investigation and/or student discipline process for an alleged violation of the Student Code or other policy.

Retaliation is a violation of College policy and may also be a violation of the law. An allegation of retaliation constitutes an independent basis for investigation and imposition of sanctions on the retaliating student or employee if determined to have occurred. All conduct that is believed to constitute retaliation should be reported immediately to the Dean of Students (when the individual alleged to have engaged in retaliation is a student or student visitor) or to the Director of Human Resources (when the individual alleged to have engaged in retaliation is an employee (faculty and staff) or visitor to the College (e.g., contractors, vendors, or non-student guests)). The reporting procedures described below also apply to allegations of retaliation. Interim protections mean steps the College takes to reasonably protect employees and students during an investigation and/or student discipline process.

### **Reporting Procedures and Resources for Addressing Complaints of Discrimination, Harassment, Including Sexual, and Retaliation**

Saint Mary's has in place internal procedures to investigate and address complaints of discrimination, harassment (including sexual) and retaliation as described in this Policy. These procedures are intended to assure fairness and to maintain confidentiality in the process of responding to complaints. Complaints of discrimination and harassment, including sexual harassment or sexual assault, based on the protected characteristics listed above and/or retaliation involving students or student visitors should be reported promptly to the Dean of Students who will initiate the appropriate student discipline process to address those complaints.

Complaints of discrimination, harassment, including sexual harassment or sexual assault, based on the protected characteristics above and/or retaliation that involve employees (faculty and staff) or visitors to the College (e.g., contractors, vendors, volunteers or non-student guests) should be reported promptly to the Director of Human Resources, who is responsible for overseeing Saint Mary's compliance with this Policy and who will determine the appropriate next step for investigation and resolution. In the case of conduct involving a faculty or staff member or a visitor, then the conduct may be reported initially to the Dean of Students, in addition to, or instead of, the Director of Human Resources.

All members of the Saint Mary's community shall cooperate fully with the Director of Human Resources in the fulfillment of her/his responsibilities.

In addition, individuals who believe they have experienced discrimination, harassment, including sexual harassment or sexual assault, based on the protected characteristics listed above and/or retaliation are also free to contact the Equal Employment Opportunity Commission, the California Department of Fair Employment and Housing and/or US Dept of Education's Office of Civil Rights to pursue external legal remedies.

### **Non-Discrimination Seminars**

Saint Mary's offers its employees during each academic year several opportunities to attend seminars regarding discrimination (which will also include an update on legal developments in the area of sexual harassment). Throughout each academic year, students have the opportunity to attend programs regarding discrimination and sexual harassment, including sexual assault. Except as described below, all employees must attend one such on-campus seminar in this area per academic year (defined as July 1 to June 30). Lecturers and adjunct faculty who have difficulty attending on-campus seminars due to either geographic distance from Moraga and/or evening teaching schedules during the academic year, as well as staff who work only at off-campus locations (excluding the Rheem campus), may comply with this requirement by completing an on-line sexual harassment seminar offered by the College once every two academic years. Employees who are on an approved and/or legally mandated leave during the academic year are not required to fulfill this requirement while on that leave, but will be expected to do so in the next academic year following their return from such leave.

Except for those faculty and staff described above, failure of a tenure-track or tenured faculty or staff member to attend an on-site College-sponsored sexual harassment seminar during each academic year, when offered, as evidenced by the absence of a record of attendance at such seminar, may result in the Board of Trustees declining to indemnify (i.e., pay any judgment against or settlement on behalf of the individual), to the extent permitted by law, the faculty or staff member should a claim for discrimination, including but not limited to sexual harassment, or retaliation be brought against that faculty or staff member.

Except for those faculty and staff as described above, failure of a non-ranked faculty member (e.g., adjunct, lecturer) to attend an on-site College-sponsored sexual harassment seminar during each academic year, when offered, as evidenced by the absence of a record of attendance at such seminar, may result in the Board of Trustees declining to indemnify (i.e., pay any judgment entered against or settlement on behalf of the individual), to the extent permitted by law, the faculty member should a claim for discrimination, including but not limited to sexual harassment, or retaliation be brought against that faculty member, as well as precluding that non-ranked faculty member from being considered for or offered another faculty appointment at the College.

### **Sanctions**

Employees who engage in conduct in violation of this policy are acting outside the scope of their employment responsibilities and, in addition to discipline up to and including termination of their employment, may be subject to individual legal liability and damages for their action.

### **Public Safety Policies**

Public Safety is responsible for safety and security programs, crime prevention, parking control, lost and found and escort services on campus property. Public Safety officers patrol the campus; respond to reports of crimes, fire alarms, medical emergencies and requests for assistance; and enforce campus traffic and parking regulations. While the Moraga Police Department is the official governmental law enforcement agency for the Saint Mary's campus, the Department of Public Safety, as a non-sworn security organization, provides the day-to-day, 24-hour security and safety presence on campus. The

College requests that all crimes be reported to the Department of Public Safety. While the Department of Public Safety contacts the Moraga Police Department for further investigation and follow-up on criminal matters as appropriate, all victims of crimes retain the right to contact the Moraga Police Department directly for any criminal matter.

### **Traffic and Parking**

Parking and vehicle use regulations are designed to provide for orderly parking as well as the safe flow of traffic on campus. Operators of motor vehicles (including, but not limited to, cars, trucks, motorcycles and scooters) and bicycles on campus are expected to safely operate their vehicle while maintaining a maximum speed of 15 mph and observing all College traffic rules and regulations. The rules and regulations include, but are not limited to, yielding to pedestrians, obeying traffic signs and devices, complying with all California vehicular regulations (including, but not limited to, wearing of safety belts, helmet laws, not driving under the influence of alcohol or other drugs), entry or storage in any building, and removal of vehicles from campus at the end of the academic year.

All motor vehicles on campus must be registered with the Department of Public Safety and properly display the appropriate parking permit at all times. Students are eligible for either a Resident permit or a Commuter permit – not both. Permits, parking maps with lot designations and other information are available at the Public Safety Office in 101 Assumption Hall or the Front Gate Kiosk. Daily visitor parking permits may be obtained at the Front Gate. Violation of these regulations may result in parking citations, vehicle immobilization, towing, and loss of parking privileges and/or referral to the student discipline process. At its discretion, the College may remove and impound motor vehicles or bicycles blocking the entry or exit of any building on campus or found improperly parked or abandoned.

The fines for tickets for parking and traffic violations are paid at the Business Office or may be appealed within fourteen (14) days from issuance. Appeal forms are available at the Public Safety Office in 101 Assumption Hall or at the Front Gate. Fines not paid or appealed will be doubled and placed on the student's term bill. Failure to pay fines also subjects a vehicle to being immobilized with a tire boot. Vehicles that are immobilized with a tire boot are assessed a \$50.00 boot removal fee in addition to any other fines for violation of parking regulations. The tire boot is not removed from the vehicle until the fee and all fines are paid in the Business Office. Vehicles that are towed from campus are done so at the owner's expense.

Contact the Department of Public Safety for more detailed information concerning campus parking and vehicle use regulations. Parking information and violation fines can be found on the Public Safety website: <http://www.stmarys-ca.edu/about-smc/public-safety/parking-permits-and-policies/index.html>.

### **Clery and Sex Offender Notice**

As provided by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998, Saint Mary's College of California, through its Department of Public Safety, annually provides notice and makes available copies of the Annual Security Report, to the campus community, prospective students, employees and the public. Each Security Report includes statistics for the previous three years concerning crimes and incidents (whether they occurred on campus, in off-campus building and property owned or controlled by the College, or on public property adjacent to campus) reported to campus security authorities. Each Security Report also provides campus policies and practices concerning security, how to report sexual assaults and other crimes, crime prevention efforts, policies/laws governing alcohol and drugs, victims' assistance programs, student discipline, College resources, and other matters. The Security Report is available electronically at [www.stmarys-ca.edu/about/safety/02report.pdf](http://www.stmarys-ca.edu/about/safety/02report.pdf). You may request a copy by phone or mail by contacting Department of Public Safety, Administrative Office, 101 Assumption Hall, PO Box 3111, Moraga, CA

94575-3111, 925-631-4052. In addition, as provided by the Campus Sex Crimes Prevention Act, the Contra Costa County Sheriff's Office maintains a Megan's Law database of sex crime offenders. Information may be obtained in person from the Sheriff's office located at 500 Court Street, Martinez, CA Monday-Friday, 9:00 a.m. to 4:00 p.m. or through the California Department of Justice website which lists designated registered sex offenders in California at <http://www.meganslaw.ca.gov>.

### **Impounding of Prohibited Materials or Equipment**

The College may impound materials specifically prohibited by the Code, College policy or law. The College may also impound equipment used in a dangerous manner or in violation of the Code or other College policy, including but not limited to kegs, skateboards and instruments of potential violence. Once equipment is impounded, the individual will lose all further privileges of use or possession of such equipment or similar equipment on College property permanently. Prohibited materials or equipment will be destroyed without remuneration.

### **Residential Living & Housing Policies and Procedures**

Resident students and their guests are responsible for complying with the following policies and procedures, the Code, the Residence Hall and Dining Service License and other College policies. These policies are designed to be formative and educational. When an alleged violation occurs in the residence halls, staff or other students should report the alleged violation to their Resident Advisor (RA), Resident Director (RD), or to Public Safety.

### **Balconies and Breezeways**

Furniture is not permitted on the balconies and breezeways with the exception of specifically constructed outdoor deck furniture approved in advance by the Campus Housing Office. No more than six (6) persons may be on a townhouse balcony outside the suite of a townhouse at any one time. Breezeways are to be kept clear of all obstructions and stairways must always be kept clear for emergency use. Balconies, breezeways and patios must not be used as storage areas. Alcohol is not allowed on balconies, breezeways or patios, which are considered public areas. Barbecues, cooking and/or other appliances (including, but not limited to, refrigerators) are not allowed on balconies, breezeways or patios.

### **Ball Playing, Bicycles/Motorcycles, Skateboards**

Ball playing, skateboarding, roller-blading and bicycle riding are prohibited in all residence halls. These activities have the potential to create excessive noise, inflict damage upon College property, and can cause physical injury.

### **Checking Into Your Room**

The first day of occupancy is determined by the Campus Housing Office on an annual basis in accordance with the academic calendar. When you are checked into your room (normally by your RA), you are issued your key(s) and are required to complete a Room Condition Report (assuming responsibility for maintaining the physical condition of the room and its furnishings). Students are financially responsible for damage and/or poor conditions not documented on the Room Condition Report and for the loss of keys.

### **Checking Out of Your Room**

You must check out of your room with the RA and you must turn in the key(s) that were assigned to you at check in. No mail-in keys are accepted. Any and all room damages noted on the Room Condition Report, found through a room inspection, and/or damages/cleaning charges in common areas, will be assessed to all of the residents of the room if individual responsibility cannot be determined. Students are responsible for removing all personal belongings, garbage, and any item not assigned to the room by the College, otherwise, a fine(s) will be added to your Student Account.

### **Cooking & Microwaves**

Cooking is not permitted in residence halls other than in those areas that are specifically designed or equipped for cooking by the College (i.e. townhouses and staff apartments). Kitchens in residence hall lounges are available for hall events and not intended for regular personal use. The heating of beverages, snacks, and popcorn in College approved microwaves is permitted. Students may use a personal microwave as long as it does not exceed 1,000 watts.

### **Damage/Loss to Personal Property**

The College does not assume liability directly or indirectly for loss of or damage to personal property by fire, theft, water, or any other cause. Students/Residents are strongly encouraged to consider purchasing personal property insurance to cover loss or damage to personal property or facilities.

### **Fire Safety**

All students are expected to observe the following regulations critical to the prevention of residence hall fires:

1. The use or possession of any dangerous chemical or explosive material, including but not limited to, fireworks, gunpowder, gasoline or propane is prohibited within the residence halls.
2. Tampering with fire alarms, smoke detectors or fire extinguishers is prohibited.
3. Propping open doors for any purpose other than emergency evacuation is prohibited.
4. Room doors, corridors, stairways, and building exits must be kept clear of obstructions at all times.
5. All students and guests must evacuate any building in which a fire alarm sounds.
6. Students who continually activate a fire alarm because of cooking may result in the initiation of the discipline process.

### **Furniture**

College owned and personal furniture must be positioned and used in a manner consistent with their intended purpose and design. Lost or damaged furniture is the responsibility of the residents of the room. Students are not permitted to remove any College issued furniture from the room in which it is assigned and may not remove furniture from public areas and/or lounges to individual rooms. Students are not allowed to disassemble College furniture. Residents are not permitted to loft, bunk or adjust the height of the beds; the Maintenance staff must perform these functions.

### **Garbage**

Under no circumstances are students to place, or allow to be placed, trashcans or bags in the hallways outside student rooms or in stairways. Students are expected to empty their own trash on a regular basis and may be charged for cleanup of unreasonable messes. Recycling bins are provided for appropriate use.

### **Housing over Breaks and Holidays**

The residence halls are closed over the Christmas Recess. Students must obtain prior permission from the Campus Housing Office to remain on-campus during Christmas recess. For those permitted to stay during the Christmas Recess, there is an additional charge. There is no food service during Thanksgiving Recess, Christmas Recess, Jan Term Recess, and Easter Recess.

The last day of occupancy for all students (except graduating seniors and those undergraduates receiving authorization from the Campus Housing Office) is twenty-four (24) hours following the student's last final examination or 5:00 p.m. on Thursday of finals week, whichever comes first. For graduating seniors and students who have been authorized to extend their on-campus residency beyond the end of spring semester exams, the last day of occupancy is the day following commencement at 12:00 p.m. (noon).

## **Housing Assignment**

*Incoming First Year Students:* All incoming first year students accepted for the fall, January or spring term are required to live on campus. First year student room assignments are made by the Campus Housing Office.

### **Exemption Policy/Process for On Campus Residency Requirement**

There may be specific circumstances that would prevent a student from living in on-campus housing. Exemption from the residence requirement will only be considered for the following circumstances:

1. In a case of a student who is married or in domestic partnership and/or is parent to dependent child(ren), as supported by documentation.
2. In a case of older students such as returning military or previously married or in domestic partnership where, by virtue of age and experience, are incompatible with the educational objectives and values sought to be provided in the residences.
3. In a case where it appears that a full-time undergraduate student will otherwise suffer significant physical hardship, as supported by documentation from a non-familial physician or treating professional (e.g. must live with an attendant or requires equipment that cannot be accommodated in a residence hall room).

All exemption requests must be received prior to July 1<sup>st</sup> for the academic year and December 1<sup>st</sup> for students entering at the beginning of the January or spring term. Students failing to submit an exemption request form prior to the deadline will be assessed mandatory housing/dining fees. An application for exemption from the on-campus housing requirement does not guarantee nor imply that an exemption will be granted. Students should assume that their request has not been granted until they receive written notification of approval and should not make other living arrangements, enter into a rental or lease agreement with a third party realtor or lessee until such notification. Upon receipt of the student's request for an exemption and all supporting documentation, the request will be reviewed by the appropriate campus committee and their decision will be communicated to the student within ten (10) business days of the July 1<sup>st</sup>/December 1<sup>st</sup> deadline.

Questions may be directed to the Dean of Students, at 925.631.4238.

*On-Campus First Year Students continuing as Sophomores:* First Year students who receive on-campus housing, remain in housing during their entire first year, remain eligible for housing and meet all necessary deadlines, are offered on-campus housing for their sophomore year through the room selection process. Room assignments are determined by space availability, the order of placement in the room selection process, and the approval of the Campus Housing Office.

*Sophomores and Juniors continuing, respectively, as Juniors and Seniors:* Toward the beginning of the spring semester, current sophomores and juniors who are continuing into their junior and senior years are eligible to participate in the room selection process. Students are offered on-campus housing as determined by the space available, the order of their placement in the room selection process, and the approval of the Campus Housing Office.

*Transfer Students:* Incoming transfer students are guaranteed housing provided they meet the July 1<sup>st</sup> deadline for payment of the housing deposit and submission of their Residence Hall and Dining Services License. After that date, they can request to be placed on a pending list to receive housing as space becomes available. Room assignments are determined by space availability and the approval of the Campus Housing Office.

**Eligibility for Room Selection**

Any student on Probation or higher, during the academic year, or part thereof, will have his/her discipline file reviewed by the Community Life for consideration to participate in the room selection process during the Spring semester. Following the review of the probation status and gravity of the incidents(s) leading to disciplinary action, the Dean of Students will make a final determination of eligibility for participation in the room selection process. Affected students will be notified of ineligibility one (1) week prior to room selection. Students who lose room selection eligibility may be placed at the end of the pending list of eligible students per written request submitted to the Campus Housing Office. Administrative room selection ineligibility is not subject to appeal.

**Keys**

Residence hall room keys are issued to students upon check-in. All residence hall keys are the property of the College and are not transferable. Students are responsible for locking rooms and taking keys with them to re-enter. The Campus Housing Office will replace lost, stolen, or otherwise missing keys at a cost to the student of \$50.00-\$125.00, depending on the configuration of each room. Students locked out of their room on weekdays between 8:30 a.m. - 4:30 p.m., can go to the Campus Housing Office (Ferroggiaro Hall #200) for assistance. Students locked out on weekdays between 4:30 p.m. - 8:30 p.m. or during the day on weekends, can contact Public Safety (925-631-4282) for assistance. Students locked out between 8:30 p.m. - 8:30 a.m. must contact their RA for assistance. Abuse of the lock-out privilege may result in disciplinary action and/or service fee assessment.

**Noise**

The primary purpose of noise and quiet hour regulations is to create residence hall environments that promote rather than detract from effective study. Residents are expected to adhere to quiet hour and noise level standards, and be considerate of others' rights to sleep and study, regardless of the time of day. Quiet hours are in effect from 9:00 p.m. to 9:00 a.m. Sunday through Thursday, and from midnight to 9:00 a.m. Friday and Saturday. These hours may be lengthened to meet the needs of an individual floor. During quiet hours, noise from stereos, radios, TVs, voices or any other identifiable source should not be heard outside of or between any residence hall rooms. Twenty-four (24) hour quiet hours begin the Friday before the first final exam of each semester through the close of the residence halls. All other hours are courtesy hours (students should comply if a staff member or another student asks for quiet).

**Noxious Odors**

Any odor or aroma (including, but not limited to, cigarettes, cigars, pipe smoke, perfume, air freshener, dirty laundry, stink bombs) of such intensity that it becomes apparent and/or offensive to others is prohibited.

**Prohibited Items**

The following items are prohibited in the residence halls: bars, hammocks, lofts, wall-mounted televisions, musical instruments (including, but not limited to, drums, amplified instruments), pets, gas powered scooters, waterbeds, and high-resistance electrical appliances (including but not limited to, hot plates, space heaters, heating coils, electric blankets, sunlamps, halogen lamps and toaster ovens), and the possession, lighting or burning of candles, incense, oil lamps, lanterns, grills or any device capable of producing an open or enclosed/contained flame or odor.

**Reassignment**

A student may be reassigned to another room if the College deems such reassignment is necessary or advisable in the interests of health, safety, and more prudent use of resources, or the efficient conduct of the residential system. Such reassignments are an administrative decision, not a discipline process sanction, and are not subject to appeal.

**Right of Entry**

Authorized College personnel, including Student Life staff, may enter and search student rooms without the student's consent for reasons of health, safety, normal maintenance and repair, inspection or replacement of room furnishing and/or equipment, or to enforce campus policies. A hall or room inspection may be utilized to locate missing lounge furnishings or equipment. In addition, vacancies may be shown to prospective occupants when accompanied by a member of the Campus Housing staff. Insofar as is feasible or appropriate, attempts will be made to give advance reasonable notification of the intent to enter and search a student's room.

**Room Changes**

Residents sometimes consider changing rooms due to roommate conflicts. In most cases, these conflicts can be resolved through discussion, mediation and compromise. Students are required to talk to their RA and RD prior to requesting a recommendation for a room change.

- No room changes will be made during the first two weeks of each semester.
- Room changes may only be made by the Campus Housing Office and upon the recommendations of the RA, RD and/or staff. Generally, all students involved in the room change must be in agreement before changes are made.
- Unauthorized room changes are not permitted.
- In cases of irreconcilable roommate/suitemate incompatibility, the student filing the request will be required to relocate.
- The Campus Housing Office may relocate and group students as needed.

**Room Decorations**

Poster clay, masking tape or small tacks that will not damage the paint are recommended for adhering posters and other decorations to painted surfaces. TVs are prohibited from being mounted on walls. Objects of any kind should not be placed on or hung from the ceiling, sprinkler system or any component of the fire protection system. Building exterior decorations are prohibited and any decorations using the windows should be visible only to the residents of the particular room and must be congruent with the policies and values of the College. Given the unstable nature of California terrain, stacking any type of container on the windowsills is unsafe and prohibited. Students are not allowed to paint their room, and will be required to pay restitution for the cost of repainting. Any damage, including but not limited to, nail holes, stickers, holes or gouges and graffiti to the room walls, floor, ceiling, windows, screens and room door becomes the financial responsibility of the resident(s).

**Room Occupancy**

No more than two (2) guests per resident in dormitory style building (Central and Canyon areas) or more than fifteen (15) people in a townhouse style building (Becket, More and other townhouses), are permitted at any given time.

**Smoking**

Saint Mary's College promotes and fosters the health, safety, and comfort of all members of the residence hall community. Smoking is not permitted in residence rooms, on the breezeways, or in public areas of the residence halls (hallways, lounges, etc.). Students who do choose to smoke are asked to be mindful of their location with regards to open doors and windows, and to insure that smoking materials are disposed of properly.

**Visitation and Overnight Guests**

Visitation by members of the opposite sex in individual student rooms is permitted during the hours of 9:00 a.m. to 2:00 a.m. only. In compliance with College policy, personal guests of students should restrict the length of their campus visits, except in emergency situations. Students are not permitted to bring children under the age of 18 into their residences for extended periods other than for



scheduled functions and only with the approval of the RD. Only guests of the same sex are permitted to stay overnight in a resident's room, with the advance permission of the roommate/suitemates, and after having notified the residence hall staff. No overnight guest may stay in the halls more than three (3) nights in a seven (7) day period and no overnight guest will be permitted for more than twelve (12) days total in any given academic year. Overnight guests are not permitted during final examination days or during vacation periods and other days established by the College.

### **Retaliation**

Threats or other forms of intimidation and/or retaliation against a student or employee for bringing a complaint of any alleged violation of the Code or other College policy are prohibited. This includes threats or other forms of intimidation and/or retaliation against the family or friends of a student or employee who brings a complaint, those who assist a student or employee in bringing a complaint or those who participate in an investigation and/or student discipline process for an alleged violation of the Code or other College policy. Retaliation is a violation of College policy and may also be a violation of the law. An allegation of retaliation constitutes an independent basis for investigation and imposition of sanctions on the retaliating student or employee if determined to have occurred. All incidents that are believed to constitute retaliation should be reported immediately to the Dean of Students (when the individual alleged to have engaged in retaliation is a student) or to the Director of Human Resources (when the individual alleged to have engaged in retaliation is a non-student).

### **Sexual Assault and Sexual Misconduct Policy**

Sexual assault, sexual misconduct and "having consensual sex" are not the same. Sexual assault and sexual misconduct are acts of hostility, power, control, degradation, and violence...not passion. They are attempts to control and degrade others using sex and sexual acts as weapons. Anyone can be a victim of sexual assault or sexual misconduct – women, men, and children. Perpetrators of sexual assault and sexual misconduct can be anyone: a stranger, someone you have known for a long time or someone you have just met.

Saint Mary's College of California insists that all members of its community shall be able to pursue their interests free from sexual assault, sexual misconduct and other forms of sexual harassment. This Policy pertains to incidents of sexual assault and sexual misconduct between students or where the alleged perpetrator is a student. To report conduct that an individual believes is a violation of this Policy when the person engaging in the conduct is a student, follow the procedures outlined below. To report a violation of this Policy when person engaging in the conduct is a faculty or staff member, contact the Director of Human Resources at 925-631-4212. For information regarding reporting other forms of sexual harassment, see the Policy Prohibiting Discrimination, Harassment, including Sexual, and Retaliation.

For information regarding dating violence, please refer to the Abusive Conduct Policy found in the Undergraduate Student Handbook.

### **Definitions of Prohibited Conduct**

**Sexual Assault** is defined as engaging in sexual intercourse with any person without that person's consent. Sexual intercourse is the penetration, however slight, of the vagina, or anus with any object or body part and of the mouth with a sexual body part or sexual object. Students found responsible for violating the sexual assault section of this Policy will be expelled.

**Sexual Misconduct** is defined as the act of making sexual contact with the intimate body part of another person without that person's consent. Intimate body parts include the sexual organs, the anus, the groin or buttocks of any person, or the breasts of a female. Students found responsible for violating the sexual misconduct section of this Policy will be suspended for a minimum of one (1) year and will be required to complete an educational sanction assigned by the DHB panel.

**Consent** is defined as unambiguous and willing participation or cooperation in act or attitude that is commonly understood to be consistent with the exercise of free will. Consent requires participants who are fully conscious, are equally free to act, have clearly communicated their willingness, cooperation, or permission to participate in a specific sexual activity, are positive and clear in their desires, and are able to cease ongoing consensual activity at any time. Refusal to consent does not have to be verbal; it can be expressed with gestures, body language or attitude. A prior sexual history between the complainant and respondent does not constitute consent.

Consent is not freely given if:

1. It is obtained through the use of force, through the fear of or the threat of force, or by kidnap; or
2. A reasonable person in the position of the alleged perpetrator at the time the alleged conduct occurred should have known that the other person was unable to give consent for any of the following reasons:
  - a. The individual is unable to make an informed decision as a result of alcohol or other drugs (including but not limited to predatory drugs or prescribed medications); or
  - b. The individual is unconscious, asleep, or suffering from shock; or
  - c. The individual is under the age of eighteen and therefore legally unable to give consent; or
  - d. The individual has a known mental disorder or developmental or physical disability, and therefore legally unable to give consent.
3. The individual has acted or spoken in a manner which expresses he or she refuses to give consent.

### **College and Community Resources**

The following resources are available to students and other members of the Saint Mary's community for information and support concerning sexual assault and sexual misconduct:

#### **SMC Sexual Assault Crisis Response Team • 925-878-9207**

The College's Sexual Assault Crisis Response Team Hotline is available to support students who have been affected by sexual assault or domestic violence. Students may access the line 24-hours a day, seven days a week during the academic year by calling **(925) 878-9207**. Students can utilize the line anonymously in order to gather resources, learn their options for accessing medical and emotional care and to receive critical, time sensitive information about how to report their case on and off campus. Members of the Sexual Assault Crisis Response Team are trained to assist students by providing information and discussing available resources and options (medical, legal, emotional, and academic), by making referrals and providing access to appropriate College and community services as needed. Members of the Sexual Assault Crisis Response Team do not act as counselors.

Students who believe they have experienced a violation of the Sexual Assault and Sexual Misconduct Policy or of the sexual harassment provisions of the Policy Prohibiting, and Procedures for Reporting, Discrimination, Harassment, including Sexual, and Retaliation may choose to contact the Sexual Assault Crisis Response Team for assistance via the SACRT hot line.

When an individual contacts the response team, no college discipline action will take place unless the individual chooses to give her or his name and the details surrounding the incident. Any reports that include a victim's name or alleged perpetrator's name will be considered formal reports and will

initiate college action. In order to ensure that students have as many options as possible when utilizing the line, students who are unsure if they would like to move forward with an on-campus discipline hearing board case are encouraged not to reveal their names.

### **Confidential Resources at Saint Mary's**

If a student is seeking more personal confidential support from the College rather than the anonymous support that the Hotline offers, they may contact the Coordinator for Sexual Assault Awareness, Outreach and Education (631-4193), who is a certified and licensed sexual assault counselor as defined by California Evidence Code Section 1035 et. Seq, and who can therefore offer confidentiality to the student. This will give the student time to seek out support, learn their options regarding reporting both on and off campus, without initiating a college disciplinary response. The confidentiality offered through this resource applies only to the student's communications with the sexual assault counselor and does not preclude the College from fulfilling its obligations to investigate incidents of assault based on information obtained from other sources. It will be important for the student to understand that if the College obtains information through other sources (e.g., roommates, witnesses, parents, friends or others), the College is obligated to act on that information, which may lead to the initiation of a disciplinary hearing or other administrative action.

Additionally, the counselors at the Counseling Center (631-4364) can offer students, as clients, confidentiality and the information and options available to them. Finally, under the protection of the priest-penitent privilege, one of the Saint Mary's priests would be able to offer students confidentiality and as well as to provide information and resources available here at Saint Mary's.

### **Campus Resources**

SMC Sexual Assault Crisis Response Team ..... 925-878-9207

Coordinator of Sexual Assault, Awareness, Outreach and Education..... 925-631-4193  
Advocacy, support, information, and resource referral (Mitty Hall, Ground Floor)

Women's Resource Center..... 925-631-4171  
Information, advocacy and resource referral (Mitty Hall, Ground Floor)

Dean of Students ..... 925-631-4238  
Information about the discipline process & list of advisors (Ferroggiaro Hall 200)

Public Safety Department  
Emergency..... 9-1-1 OR 925-631-4282  
General Information/Administration ..... 925-631-4052

Counseling Center ..... 925-631-4364  
Confidential Counseling services, support and information (Augustine Hall, Ground Floor)

Health and Wellness Center ..... 925-631-4254  
Medical and information resource (Augustine Hall, Ground Floor)

### **Community Resources**

Contra Costa County Crisis & Suicide Intervention..... 1-800-833-2900  
24 hour Hotline

Community Violence Solutions..... 1-800-670-7273  
(Contra Costa Rape Crisis 24-Hour Hotline)

National Sexual Assault Hotline .....1-800-656-HOPE (4673)  
www.RAINN.org

STAND! Against Domestic Violence ..... 1-888-215-5555  
24-hour crisis counseling and emergency resource

Moraga Police Department (*24-hour number*) ..... 925-284-5010

## **Reporting**

If a student believes he or she has experienced conduct that is a violation of the Sexual Assault and Sexual Misconduct Policy, there are several reporting options available. Students may contact the Sexual Assault Crisis Response Team for information about all available reporting options by calling 925-878-9207. To report other forms of sexual harassment see the Policy Prohibiting Discrimination, Harassment, including Sexual, and Retaliation.

### **To the College**

Individuals are strongly encouraged to report conduct that they believe may constitute sexual assault or sexual misconduct to the College and the police. All reports of alleged conduct that will be investigated and appropriate disciplinary action will be taken regardless of whether a police report has been filed. The College will evaluate all reports of conduct that might constitute sexual assault and sexual misconduct and, when appropriate, will take disciplinary action in accordance with the student discipline process set forth in this Policy. All complaints must be made within: (a) one year of the date of the conduct, and (b) prior to the actual physical receipt by the respondent of the terminal degree from the College. Reports of conduct can also be made directly to the Office of Public Safety or Dean of Students, or designee. If the person engaging in the alleged conduct is an employee, reports should be made directly to the Director of Human Resources.

### **To the Police**

Individuals are strongly encouraged to report all conduct they believe to constitute sexual assault or sexual misconduct to the police; however, it is the individual's decision whether or not to file a police report. If the individual wishes, the College will provide assistance in contacting the police and accompanying her/him to the hospital and/or police station. Individuals involved in the report of conduct will have access to support and referral services on-campus regardless of whether or not a report of the conduct is made to the police. Individuals are strongly encouraged to have both a medical exam to ensure their well-being **AND** a rape kit collected in order to gather forensic evidence.

## **Discipline Process**

The discipline process described here applies to alleged violations of this Policy and the sexual harassment provisions of the Policy Prohibiting Discrimination, Harassment, including Sexual, and Retaliation (for all other alleged violations of the Code or other College policy, refer to the Hearing Process defined in the Rights and Responsibilities section of this handbook). Upon receipt of a report or of conduct, whether oral or written, of an alleged violation, the Dean of Students, or designee, will begin a preliminary investigation and determine if there is enough information to merit a disciplinary hearing regarding the allegation. The Dean of Students, or designee, will meet with the complainant and the respondent separately to explain the student discipline process and obtain from each a written statement and list of witnesses, if any, who have information pertinent to the incident.

After meeting with the complainant and respondent, the Dean of Students, or designee, will prepare the case to be heard by the DHB panel. The complainant and respondent will generally be given at least twenty-four (24) hour advance notice of the scheduled meeting time for the DHB panel.

Students are expected to participate in the student discipline process when they are called as a complainant, respondent or witness to a hearing. Should a student fail to appear for a hearing when proper notification has been given or should the student fail to provide a statement during the hearing, the hearing will proceed without benefit of that student's input. Meetings with the DHB panel will be scheduled taking into consideration the student's regular academic schedule only.

### **Confidentiality/Privacy**

Every reasonable and appropriate effort will be taken by all involved staff to protect the privacy of all individuals involved in a student discipline proceeding, as well as the confidentiality of the details and content of the student discipline process, including, but not limited to the preliminary investigation, DHB hearing, appeal process, and except where permitted by College policy and consistent with applicable law, the sanctions imposed and on whom. However, the College cannot guarantee absolute confidentiality. Students involved in the student discipline process, either directly, or as a witness, are expected to maintain the confidentiality of the process and be mindful of the privacy of others involved.

### **Truthfulness**

All individuals participating in the student discipline process are expected to tell the full and complete truth in all disciplinary matters. In order to ensure this is possible, individuals participating in student discipline hearings regarding an alleged violation of the Sexual Assault and Sexual Misconduct Policy will not be charged and held responsible for minor violations of the Code or other College policy. However, if there is a concern about a student's safety and/or use of alcohol and other drugs, the College may recommend counseling or other educational resources to the affected student.

### **Rights of the Individual Alleging the Violation/Complainant**

- The right to an advisor who will assist the individual through the student discipline process.
- The right to confidentiality of the student discipline process to the extent possible (see above).
- The right to request a change of on-campus residence.
- The right to request academic schedule adjustments.
- The right to on-campus emergency counseling sessions with a member of the Counseling Center staff.
- The right to seek off-campus medical and counseling services.
- The right to seek anonymous assistance from the Sexual Assault Crisis Response Team Hotline.
- The right to seek confidential support from a member of the Counseling Center staff in a client relationship, or a priest in a confessor relationship.
- The right to make a complaint which will initiate the student discipline process.
- The right to request an on-campus no contact order for the respondent as an interim measure through the student discipline process.
- The right to file a police report and take legal action separate from and/or in addition to student discipline action.

### **Rights of the Respondent**

- The right to an advisor who will assist the individual through the student discipline process.
- The right to confidentiality of the student discipline process to the extent possible (see above).

- The right to on-campus emergency counseling sessions with a member of the Counseling Center staff.
- The right to have confidential communications with a member of the Counseling Center staff in a client relationship, from a priest under the protection of the confessional or from a certified and licensed sexual assault counselor as defined by California Evidence Code (The Coordinator for Sexual Assault Awareness, Outreach and Education).
- The right to seek outside counseling support.

### **Advisors**

Both the complainant and the respondent involved in a disciplinary matter alleging a violation of this Policy or the sexual harassment provisions of the Policy Prohibiting Discrimination, Harassment, including Sexual, and Retaliation, have the option of choosing a member of the College community (faculty, staff, or student) as an advisor to accompany them through the process. The advisor may not be a parent, relative, an attorney or a representative of an attorney.

Members of the DHB panel or individuals who will be serving as a witness in the case may not serve as an advisor. The advisor is not an advocate for the student in the proceedings and may not address the DHB panel or speak on behalf of the student. The advisor may speak with the student privately and in a manner that is not disruptive to the hearing or student discipline process. The respective student's advisor may be present at any time at which the student they are advising is meeting with the DHB panel or other member of the College staff regarding the disciplinary matter and at which the student wishes for them to be present. Additionally, written statements signed by either an advisor or an individual who is not eligible to serve as an advisor (including an attorney) will not be accepted as part of the student discipline process, including any appeals filed by the student(s) subsequent to the DHB hearing.

The advisor is obligated to maintain the confidentiality of the nature of the allegation(s), the content of the student discipline process, and the privacy of the complainant, respondent, and any witnesses known to the advisor.

A list of individuals who have volunteered and have been trained to serve as advisors in sexual assault, sexual misconduct and sexual harassment cases is available from the Dean of Students, or designee, to both the complainant and the respondent. Students are strongly encouraged to choose an advisor to assist them in the student discipline process. It is the student's decision if they want an advisor and who that advisor will be.

### **Disciplinary Hearing Board Panel**

The DHB panel for sexual assault, sexual misconduct and sexual harassment cases is comprised of faculty and staff who have been trained to hear these cases. Three (3) members of the DHB pool will generally be called to sit on a DHB panel, with one member serving as chair. Members of the DHB pool are appointed the Dean of Students. The Dean of Students, or designee, serves as the discipline process facilitator for all sexual assault, sexual misconduct and sexual harassment cases and is present during the hearing. The facilitator's role is to assist the chair and to ensure compliance with the process and procedures outlined below.

It is expected that DHB panel members will exhibit the highest ethical standards and disqualify themselves if they believe they cannot be impartial or fulfill their obligation to maintain the confidentiality of the process and the dignity and privacy of the respondent, the complainant, and any witnesses before, during, and after the disciplinary hearing. Both the respondent and complainant may raise issues of concern about the impartiality of a member of the DHB panel convened for a particular case. The Dean of Students has the sole discretion to decide whether a DHB panel member

can be impartial and will remove anyone whom he/she determines is unable to be impartial and/or respectful of the confidentiality of the process and privacy of the individuals involved.

### Outline of Hearing

1. DHB panel proceedings are closed to all parties except the individual student(s), the DHB panel, the facilitator, witnesses, and the respective students' advisor(s).
2. The chair will convene the DHB panel.
3. The chair will introduce the DHB panel to the complainant and explain the process.
4. The complainant will be asked to submit a written statement or make an oral statement to the DHB panel. Upon completion of the statement, the complainant will answer questions from the DHB panel. The complainant will be excused until the DHB panel recalls him/her for further questions.
5. The chair will invite the respondent into the hearing and will introduce the DHB panel to the respondent and explain the process. The facilitator will read to the respondent the complaint (including material information supporting it, e.g. time, place and specific conduct alleged), the College Policy that the conduct, if found to have occurred, would violate and the complainant's statement.
6. The respondent will be asked to submit a written statement or make an oral statement. Upon completion of the statement, the respondent will answer questions from the DHB panel. The respondent will be excused until the DHB panel recalls him/her for further questions.
7. The chair will recall the complainant. The facilitator will read the respondent's statement to the complainant. The complainant will be given the opportunity to respond to the respondent's statement at this session or he/she may request a subsequent session of the DHB panel to prepare a response.
  - a. If the complainant determines that a subsequent session of the DHB panel is **not** required, the complainant will respond to the statement and answer questions from the DHB panel.
  - b. If the complainant determines that a subsequent session of the DHB panel is required, the complainant will answer questions from the DHB panel and upon completion of these questions, will be excused until the DHB panel recalls him/her for the subsequent session.
8. The chair will recall the respondent. The facilitator will read the complainant's statement, if any, to the respondent. The respondent will be given the opportunity to respond to this statement at this session or the respondent may request a subsequent session of the DHB panel to prepare a response.
  - a. If the respondent determines that a subsequent session of the DHB panel is **not** required, the respondent will respond to the statement and answer questions from the DHB panel.
  - b. If the respondent determines that a subsequent session of the DHB panel is required, the respondent will answer questions from the DHB panel and upon completion of these questions, will be excused until the DHB panel recalls him/her for the subsequent session.
9. Any witnesses will individually be asked to make a statement and respond to questions from the DHB panel.
10. All participants (complainant, respondent, and any witnesses) must be available for recall by the DHB panel for additional questioning until the chair excuses them.
11. The chair will ask the respondent to make a closing statement to the DHB panel. The respondent is then excused from the proceedings.
12. The chair will ask the complainant to make a closing statement to the DHB panel. The complainant is then excused from the proceedings.
13. The DHB panel will deliberate in private and based on their investigation and interviews will determine an appropriate finding:

- a. It is more likely than not that the alleged conduct did not occur and the respondent is not responsible for a violation of the Code or College policy, or
  - b. It is more likely than not that the alleged conduct occurred and the respondent is responsible for a violation of the Code or College policy and impose sanctions, as appropriate.
14. The chair will notify the Dean of Students, or designee, of the hearing's outcome within twenty-four (24) hours of its completion. The Dean of Students, or designee, will communicate the finding of the DHB panel to the respondent and the complainant in writing generally within seven (7) business days. Unavoidable delay in providing notice of outcome shall not constitute an appealable procedural error.

### **Sanctions**

The College has established minimum sanctions for violations of the Sexual Assault and Sexual Misconduct Policy. The conduct prohibited by this Policy is described in the Definitions of Prohibited Behaviors section of this Policy. A more severe, but not less than the minimum, sanction(s) may be imposed by the DHB panel depending on the circumstances of a particular case. Any one or more of the sanctions (in excess of the minimum required sanctions) may be assessed to a student found responsible for violating the sexual harassment provisions of the Policy Prohibiting Discrimination, Harassment, including Sexual, and Retaliation.

### **Appeal Process**

This process applies to an appeal of sanctions received from a violation of Sexual Assault and Sexual Misconduct Policy only. For appeal of sanctions received from a violation of the sexual harassment provisions of the Policy Prohibiting Discrimination, Harassment, including Sexual, and Retaliation, refer to Section F (Appeals) as defined in the Student Conduct Code and Procedures section of this Handbook. Both the complainant and the respondent may participate in the appeal process in student discipline cases for violations of the Sexual Assault and Sexual Misconduct Policy.

The decision of the Disciplinary Hearing Board regarding responsibility may be appealed by the respondent and/or the complainant within five (5) business days of the decision. The purpose of the appeal is not to rehear the underlying student discipline case; for example, credibility determinations made by the DHB will not be revisited or reconsidered. The sole purpose of an appeal is to determine if there is, in the first instance, sufficient information based on the written record before the Appeal Board to establish its jurisdiction to consider and decide the appeal and, if so, thereafter, to determine whether the information submitted by the student appealing states sufficient grounds (see below) to grant the appeal and take any of the actions described below.

Only one request for an appeal may be submitted by either the complainant and/or the respondent. The appeal may only be submitted by the student and shall consist of:

1. A completed Appeal Request Form (available in the Office of the Dean of Students and the Office of Community Life or on the Community Life website), and
2. A statement outlining and supporting the specific basis on which the student is appealing.

Note: Appeals signed by anyone other than the student appealing, including appeals signed by an advisor or someone not eligible to serve as an advisor (including an attorney), will not be accepted for appeal.

An appeal must be submitted to the Dean of Students and must be based on one or more of the following grounds or it will not be accepted and considered:

1. A process or procedural error was made that was significantly prejudicial to the outcome of the hearing as it affects the student appealing.



2. New information that was not available or known to the student appealing at the time of the hearing has arisen which, when considered, may materially alter the outcome. NOTE: Information that the appealing student chose not to present at the time of the hearing is not considered new information.
3. The severity of the sanction imposed was not appropriate based on the section of the Code or other College policy which the student was found to have violated.

If an appeal is received from either the complainant or the respondent, the Dean of Students, or designee, will notify, in writing, the non-appealing student within five (5) business days of receipt of the appeal that an appeal has been filed and the ground(s) upon which the appeal has been made. Within five (5) business days of such notification, the non-appealing student may submit a written statement to the Dean of Students, or designee, that he/she wishes to be considered by the Appeal Board.

An appeal is heard by an Appeal Board consisting of two (2) members of the DHB pool who did not serve on the original case and the Dean of Students serving as chair (the Assistant Dean of Students will serve as chair if the Dean of Students is not available). The Appeal Board will not meet with the respondent and/or the complainant or rehear the case; it will not, for example, reconsider the DHB's determinations of credibility. The Appeal Board will consider only the merits of an appeal on the basis of the information provided in the Appeal Request Form, the student's written statement, the written record of the case, and the student's entire discipline record. Based on these materials, the Appeal Board will:

1. Reject the appeal if it finds the basis for appeal unsubstantiated; or
2. Reject the appeal if it finds that any procedural errors were minor in nature and would not have altered the outcome of the hearing or the sanctions imposed; or
3. Modify the sanction(s) if they are found to be inappropriate; or
4. Return the case to the DHB panel for further consideration (which may, but does not, require a rehearing of the entire matter) if a procedural error or new information, as defined above, has arisen. In such cases, the same DHB panel who originally heard the case shall reconvene as soon as possible. If a member of the original DHB panel is no longer available, the Dean of Students will select additional DHB panel member(s) from the DHB pool.
5. Reverse the decision of the DHB panel or remand the case to a new DHB panel where substantial procedural error is determined to have unfairly influenced the hearing.

The Appeal Board chair will communicate its decision to the respondent and the complainant in writing once a decision has been reached. The decision of the Appeal Board is final and no further appeals are permitted.

During the consideration of a request for an appeal, sanctions imposed by the DHB panel shall not be in effect. However the Dean of Students, or designee, may impose conditions or continue existing conditions governing the respondent's status with the College during the appeal process.

### **Sexual Assault and Sexual Misconduct Educational and Prevention Activities**

The Saint Mary's College community is committed to providing broad-based educational programs to help prevent sexual assault, sexual misconduct, and dating violence and to create a consciousness and an awareness about gender issues from an interdisciplinary, multicultural perspective. Some of the educational and prevention efforts provided by the College include:

1. A sexual assault awareness campaign addressing risks, statistics, safety, consent, coercion, and on and off campus resources is carried out each semester. This is carried out through programs, bulletin board displays, and brochures that are made available throughout the school.
2. The Women's Resource Center provides ongoing programming to raise awareness about sexual assault, gender violence and systematic oppression through programs such as: International Day

to Eliminate Violence Against Women, the V-Day College Campaign, Women's History Month and Sexual Assault Awareness Month.

3. Programs addressing sexual assault, gender violence, and gender socialization are offered as a regular component of weekend of welcome and the First Year Experience.
4. The Women's Resource Center provides peer education and outreach through its Peer Outreach Education Team Program. POET is a student group of volunteers, male and female educators, program planners and advocates that are trained to support and educate peers.

### **Social Events Policy**

All events sponsored by Saint Mary's College are closed to the general public except for, in some cases, a Saint Mary's College student sponsored guest. Students are limited to one (1) guest per SMC student-host (to events in which guests are permitted). A valid student ID card must be presented for admission to ALL events. Guests must present a valid picture ID (i.e., drivers license, passport or California ID card) and must be accompanied by their Saint Mary's host at all times. Guests under the age of eighteen (18) are not permitted to gain admittance into student-sponsored events. A guest list must be maintained on the premises by the sponsoring student group and submitted to Student Involvement and Leadership the next day or the Monday following the event (for weekend events).

Student events must be approved by Student Involvement and Leadership at least ten (10) days in advance. Recognized student organizations must submit the appropriate paperwork, gain approval and seek guidance in their planning from the appropriate staff member and advisor. Alcoholic beverages must be served in accordance with state law and College policy. Written permission to serve such beverages must be secured through Student Involvement and Leadership at least three (3) weeks prior to the event. Specific guidelines regarding the serving of alcoholic beverages are available from Student Involvement and Leadership (refer to Alcohol and Other Drugs Policy, Part II).

### **Admission to the Event**

- Saint Mary's students must have a current Saint Mary's ID for entrance and be currently enrolled.
- Off-campus guests (limit of 1 per student) must be 18 and have a current state ID.
- There is no re-entry policy at all dances and concerts.
- Money collected during the event must be deposited in the Business Office safe at the end of the evening and with Public Safety escort.

### **Sponsoring Student Group Responsibility at the Event**

Student groups are responsible for all occurrences during the event. Students working the event must be sober and working closely with event staff to ensure a safe and successful event.

## **Solicitation, Distribution and Advertising Policies**

### **Copyright/Use of College Name and Logo**

The College's names, logos, seal and other marks, including but not limited to the image of the Chapel, are protected under state and federal law and the unauthorized use of these marks is prohibited. Furthermore, the De La Salle statue is protected by copyright. Permission for any student or recognized student group to use these marks must be coordinated through the Assistant Dean of Student Life, who shall obtain permission in writing from the appropriate Saint Mary's official charged with managing the use of Saint Mary's marks.

## **Posting Policy**

Saint Mary's College is a community dedicated to the intellectual enrichment and personal development of all of its members through study, inquiry and continuing communication with one another. In accordance with its Lasallian heritage and Core Principles, the College encourages a balanced approach in the expression of opinions. The posting, distributing, or disseminating of printed materials (i.e. fliers, posters, table tents, banners, handbills) that advertise, publicize, or otherwise provide notice of activities, events, or information are subject to this Posting Policy.

The Assistant Dean of Student Life, or designee, grants permission to on and off-campus individuals and groups to post, distribute or disseminate printed materials on campus. The College maintains the authority and right to prohibit the distribution of any material, which in the estimation of the college might cause a security problem or interferes with any instructional or college event. The College also maintains the right to regulate the time, manner, and place of any distribution of written material which is likely to cause harm to college property, physical danger to any individual, or in any other way breaches the security of the college or disrupts the furtherance of education.

When posting, anywhere on campus, the following must be observed:

1. The posting, distributing, or disseminating of printed materials (i.e. fliers, posters, table tents, banners, handbills, etc.) that are used to advertise, market, promote and/or provide notice of activities, events or information are all subject to the Posting Policy.
2. Approval to post, distribute or disseminate printed materials for on-campus and off-campus individuals is granted through Student Involvement and Leadership (SIL).
3. All printed materials must indicate the name of the sponsoring department, or student organization and contact information, as well as the location, date and time of the event.
4. Printed materials may not be placed on or against, attached to, or written on any structure or natural feature of the campus such as, but not limited to, sides of doors or buildings, windows, the surface of walkways or roads (floors), fountains, posts, waste receptacles, lawn, trees, or on vehicles parked on campus, doors or buildings, windows, surfaces or stanchions and wooden standards.
5. The use of chalk, for marketing purposes, on any surface is not permitted.
6. Only one (1) posting of any kind is permitted in any posting location. Posting is permitted on a first-come, first-served basis, and existing postings may not be removed or covered by new ones.
7. Materials can be posted for a period of two (2) weeks.
8. No individual or group may leave fliers, announcements, or printed literature of any kind on campus grounds, parked vehicles, or inside any campus building, nor otherwise affix or insert such materials into campus lawns or grounds.
9. Postings must be removed within 24 hours following the publicized event by the sponsoring organization.
10. Only "safe-release" painters' tape (blue tape) may be used to post fliers and posters. Other tapes will damage the surfaces of walls and buildings. Fliers posted on bulletin boards may be attached with staples, pushpins, or blue tape. Please note that blue tape can be purchased through the College's warehouse and SIL does NOT provide it for college departments.

## **Posting Areas**

### **1. External Posting Spaces**

- There are 30 high-traffic areas located throughout central campus for posting fliers. These areas are painted in a beige color and are clearly marked as posting areas for approved materials which should measure a minimum of 8 1/2 " x 11" and not exceed 11" x 17" in size.

### **2. Bulletin Boards and Display Cases**

- Departmental bulletin boards, typically located outside of administrative or academic department offices, are maintained by the respective departments. Permission for posting at

these locations must be obtained from the specific department head or designee.

- The SIL windows are available for posting for special events. Requests must be submitted a minimum of two (2) weeks prior to the event (for departments and student organizations).

### 3. Residence Halls

- Departments, student organizations and individuals do not have access to Residence Halls and must not post on any area in or surrounding the building. Posting on the exterior of the building, doors, windows, lampposts and light fixtures is not permitted
- Copies of fliers, posters and other promotional materials must be submitted to the Office of Residential Experience for posting. Materials (a maximum of 22 copies) should be submitted the Friday prior to the week of desired posting.

### 4. Oliver Hall

- Materials posted in Oliver Hall must observe the Posting Policy in its entirety. Items that are not congruent with the policy or stamped by Student Involvement and Leadership, will be removed immediately.
- Placing table tents in Oliver Hall, Dryden, Brickpile and Café Louis is allowed. Table tents must be printed on white paper, as those printed in color paper will stain the tables. Loose fliers may not be left on the tables in the aforementioned locations.

### 5. Large Banners and Posters

- The Brickpile wall along Ferroggiaro Quad is the only posting area for large banners, signs, or other specialized promotional materials (minimum size is 11" x 17" and must not to exceed 3' x 3').
- Vinyl banners (not to exceed 10' x 3' in size) can be hung from the trees in front of Filippi Administrative building with advance approval from SIL. Approval must be requested a minimum of two (2) weeks prior to the hanging of the banner. In addition, the actual hanging of banners must be coordinated through Facilities Services.

### 6. "Day of" Posting

- "Day of" posting is allowed for directional and informational purposes for campus-wide events and must be removed immediately after the event. "Day of" posting must be related to the function of the program such as schedule, directions, and registration. Pre-approval must be secured through Student Involvement and Leadership.

### Sanctions

The sponsoring organization is responsible for the removal of all publicity, including banners within 24 hours following the event. Directional signs must be taken down immediately after the event.

- Continued failure to remove expired publicity may result in loss of posting privileges.
- Student Involvement and Leadership may immediately remove any publicity not in accordance with this policy.
- Residence & Community Life staff may remove any publicity not in accordance with this policy or guidelines set forth by the Office of Residence and Community Life.

### **Painting the SMC**

The painting of the SMC by campus groups and individuals has been a longstanding tradition at Saint Mary's College of California. For generations, students have commemorated special events, heritage months and holidays by trekking up the hill, with paint supplies in tow, to give the "SMC" their special mark. Students, staff and faculty participate in this tradition as a way to let their presence on campus be known while building community within their group.

In an effort to encourage the equitable access to the letters for all, Student Involvement and Leadership has created the following guidelines:

1. Submit a request to paint the SMC to Student Involvement and Leadership two weeks prior to your proposed date via email (sil@stmarys-ca.edu.) Be sure to include proposed dates and the reason for painting it.
2. Upon receiving written approval from SIL, your group may paint the "SMC."
3. The "SMC" shall remain painted for a period of no more than two (2) weeks, after which Buildings and Grounds will repaint it to its original white color.
4. The SMC is to remain white during the following times:
  - Week of the Mass of the Holy Spirit
  - The beginning of Finals' Week through the end of the Christmas break
  - During De La Salle week
  - The beginning of Finals' Week through both graduation ceremonies
  - All summer

### **Solicitation and Commercial Activity**

The College has an obligation to preserve the student's right to personal privacy, safety, and security. Individuals or organizations wishing to engage in commercial activity on campus may do so only with the written approval of the Vice President for Finance. The College does not allow door-to-door solicitation of products or services in the residence halls. This policy applies to all College and off-campus organizations, groups and individuals.

### **Fundraising Policy**

The following principles, policies and procedures govern all student fundraising activities at Saint Mary's College of California. The purpose of this policy is to guide Saint Mary's student organizations in planning their fundraising activities for the benefit of the campus community. Fundraising is the responsibility of the President and the Vice President for Advancement in accordance with the priorities established by the Board of Trustees.

1. Student clubs, classes and organizations may conduct on-campus fundraising after seeking the approval of their advisor and Student Involvement and Leadership.
2. Student organizations are permitted to conduct infrequent collection of food, clothing or change for charities; make requests for donated labor or donated products; and hold activities like bake sales that by and large do not solicit significant cash gifts. These student fundraising activities are only permitted on campus.
3. Off-campus door-to-door and telemarketing type fundraising activities by student clubs and organizations are not permitted.
4. Student group solicitation of off-campus businesses for in-kind product and food donations is permitted on a limited basis subject to the approval of the Assistant Dean of Student Life for Student Involvement (in consultation with the Development Office). An advance list of businesses to be solicited is required to be submitted to the Assistant Dean as well.
5. Students may not raise funds from foundations or from corporations.
6. Student groups may solicit from individuals and businesses that have given money to the group in the past five years or that have a previous relationship with the group.
7. The Vice President for Advancement will have final discretion in approving all fundraising activities.

### **Student Services Policies**

#### **Identification Cards (IDs)**

Incoming students are issued a photo ID card on the first day of the term. Photo's for the id cards are taken at orientation. The ID card is valid for the estimated four years of attendance at Saint Mary's

College and provides various privileges/discounts. The ID card provides picture id, serves as the student meal card, and provides library access and admission to College events. Because the card is issued for four years, students may also be checked to a current registration listing. Students who are not registered are not eligible to utilize the privileges/discounts of the ID card. The Business Office issues replacements for lost ID cards Monday - Friday, 9:00 a.m. to 5:00 p.m. for \$10. If the ID is also used as a meal card, it will cost \$25.00 to have a meal card reissued. Replacement cards will be available for pick up within three business days. Please care for your ID card as you would a government issued driver's license or a credit card. Battered or torn cards will not work effectively.

### **Media Policy**

Saint Mary's College recognizes that student publications can be valuable tools in establishing and maintaining an atmosphere of free and responsible discussion and exploration, bringing student concerns to the attention of all members of the College community, and for formulating student opinion. Student publications bear a responsibility to the College as an institution of higher education in the Roman Catholic tradition and as a community of persons. Respect for truth, openness of inquiry, and good taste are hallmarks of such responsibility. To maintain these principles, the following rules are applicable to student publications:

1. Student media (publications, radio, and television) are free of censorship and/or advance approval of copy, and their editors and managers shall be free to develop their editorial policies and news coverage. At the same time, this freedom entails the corollary responsibility to be governed by the canons of responsible journalism and the basic principles and traditions of the College in both print and electronic media. In addition, KSMC student radio falls within the jurisdiction of the Federal Communications Commission (FCC) and therefore, FCC broadcast standards apply to transmissions by KSMC radio.
2. Editors and managers of student media supported by recognized College bodies shall be protected from arbitrary suspension and removal because of student, faculty, administrative, or public disapproval of editorial policy or content that does not otherwise violate College policy or applicable laws or regulations. Only for proper and stated causes will editors and managers be subject to removal and then by orderly and prescribed procedures.
3. All student publications, radio and television should carry a statement that the opinions expressed are not those of the College or the Associated Students of Saint Mary's College.

### **Technology Policy**

#### **1.0 INTRODUCTION**

Saint Mary's College of California ("Saint Mary's") recognizes the educational value and societal significance of **Electronic Information** and **Computing Resources** systems. Therefore, Saint Mary's supports students, Christian Brothers, faculty, and staff by providing access to those valuable electronic resources.

Saint Mary's is a non-profit public benefit corporation dedicated to offering a Catholic, Lasallian, Liberal Arts education. To support the College's mission, Saint Mary's has developed a campus-wide computing system allowing its members to form an electronic link to the College and to the Internet.

This **Policy** presents guidelines for acceptable use of **Saint Mary's Computing Resources**. It serves as a reference for all persons using **Saint Mary's Computing Resources** or having a Saint Mary's E-mail or Internet access **Account**. This **Policy** supercedes all prior policies and guidelines governing the use of **Saint Mary's Computing Resources**.

The Saint Mary's community is encouraged to make innovative and effective use of its **Computing Resources** within a framework which provides standards for the quality and content of information,

while requiring compliance with laws, as well as requiring compliance with Saint Mary's policies governing students, faculty, and staff.

This **Policy** seeks to ensure that Saint Mary's maintains a consistent and accurate image of itself while complying with moral and ethical standards. This **Policy** is subject to amendment or revision as appropriate.

## 2.0 DEFINITIONS

All defined terms shall appear in **Title Case** and **Bold Font** throughout this **Policy**.

**Account:** Special access to **Saint Mary's Computing Resources** with unique **User** identification provided by Saint Mary's College. This includes, but is not limited to, having a Saint Mary's E-mail **Account**, having access to networks operated or maintained by Saint Mary's, and/or having access to the Internet through **Saint Mary's Computing Resources**. Only **Users**, as defined in this **Policy**, may have an **Account**.

**Computing Resources:** any computer hardware, including but not limited to wiring and cabling, and/or software owned or licensed by Saint Mary's, any Saint Mary's computing systems, or any service provided by Saint Mary's for access to the Internet. Also referred to as **Saint Mary's Computing Resources**.

**Electronic Information:** any information or data (e.g. - E-mail, word processing files, data entered on online forms, web pages, etc.) placed on **Saint Mary's Computing Resources**, whether through a Saint Mary's Computing Resource or through an individual's own computer or other personal electronic data storage device.

**CaTS:** Computer and Technology Services. The department at Saint Mary's primarily responsible for maintaining all **Computing Resources**.

**Policy:** This Technology Use **Policy**.

**Third Party User(s):** persons having access to **Saint Mary's Computing Resources** whom do not fall within the definition of **User(s)** and who therefore do not have an **Account** (e.g.- members of the public using **Computing Resources** in the library). Such persons are required to agree to, and abide by, the terms of this **Policy** when using **Computing Resources**.

**User(s):** Current Saint Mary's students, faculty, and other employees including third party contractors who have full time presence on campus and who need access for their official duties (e.g., Sodexo Marriott, Barnes and Noble etc.), trustees, regents and other members of official boards and committees as designated by the President, as well as Christian Brothers at Saint Mary's having access to Saint Mary's Computing Resources.

## 3.0 USING COMPUTING RESOURCES

### 3.1 General

**Saint Mary's Computing Resources** can be used to host information maintained by a Department, an Office, a properly registered student club or organization, a board, or a committee. Any information used with **Saint Mary's Computing Resources** must adhere to all applicable laws and all Saint Mary's policies.

The use of **Computing Resources** shall be consistent with the mission of the College, College policy and must not violate laws or any College **Policy**. If a **User** has questions regarding the acceptability or

appropriateness of a particular behavior while using **Saint Mary's Computing Resources**, he or she should contact the appropriate College official. For example, an issue regarding one student allegedly harassing another via a Computing Resource would be forwarded on to the Dean for Student Development and Leadership. Or, for example, an issue involving copyright infringement on a faculty or staff member's web site would be forwarded to the faculty or staff member's direct supervisor. Additionally, **CaTS** staff can help **Users** address technical and non-substantive legal issues. If **Users** have questions regarding copyright and trademark issues, fair use, or other legal matters; please refer to Saint Mary's General Counsel SMCnet Page located at (Address TBD) or contact Saint Mary's Office of General Counsel.

### 3.2 Access

**Computing Resources** are available to **Users** on campus as well as remotely through dial-in-modem connections, twenty-four hours a day, seven days per week. Technical support is limited to business hours and Saint Mary's may on occasion temporarily interrupt access of **Users** to conduct ordinary as well as extraordinary business and maintenance.

#### 3.2.1 Faculty and Staff

Use of **Computing Resources** is limited to that which is necessary as part of a **User's** duties and responsibilities in **User's** employment. Incidental or minimal personal use during a **User's** working hours where such use does not interfere with a **User's** performance, or does not violate any applicable **Policy**, rule, or law, may be permitted. Specific questions regarding personal use of **Computing Resources** during a **User's** working hours should be directed to the **User's** supervisor, Dean, department head, or vice president, as appropriate. Monitoring and control of personal use of **Computing Resources** during a **User's** workday is at the discretion of the person under whose direction the **User** works. A **User's** performance appraisal may take into account personal use and a supervisor may limit personal use as a condition of employment where appropriate.

Use of **Computing Resources** on **User's** own time is permitted to the extent that **Computing Resources** are available. **Users** needing to use **Computing Resources** for official Saint Mary's business, whether administrative or academic, shall always have precedence over any **User** using **Computing Resources** for personal matters. Therefore, **Users** engaged in personal activities may be asked to discontinue such use to free **Computing Resources** for **Users** needing to access Computer Resources for non-personal matters.

E-mail may be used for incidental personal purposes provided that, in addition to the foregoing constraints and conditions, such use does not: (1) directly or indirectly interfere with Saint Mary's operation of **Computing Resources**; (2) burden Saint Mary's with noticeable incremental cost; or (3) interfere with the **User's** employment or other obligations to Saint Mary's.

##### 3.2.1.1 Portable Computing and Telecommunications Equipment

Portable computing and telecommunications equipment belonging to the College, such as laptop computers or cell phones, may be issued to Faculty and Staff **Users** as needed for the requirements of the official academic or administrative tasks they perform. The equipment shall remain in the possession of the **User** until the end of the term specified in the portable computing or telecommunication equipment lending agreements, which must be signed by the **User**. Saint Mary's reserves the right to recall the equipment for inventory, upgrades, repair/replacement or for any other reason, and the **User** will return the equipment in a timely fashion if recalled. Efforts will be made to minimize the inconvenience of a recall to the **User**. This equipment shall not be repaired or altered in any way except by Computer and Technology Services or Telephone Services personnel. The **User** shall notify the appropriate (**CaTS** or Telephone) Help Desk promptly when either of these tasks are needed. The **User** must report any damage or loss of the equipment to **CaTS** or Telephone Services immediately. Stolen equipment must also be immediately reported to Public Safety and an Incident



Report filed. Damage or loss caused by neglect or carelessness may cause all or a part of the repair or replacement costs to be charged to the **User**. Saint Mary's may consider a failure by the **User** to report loss or damage in a timely fashion as evidence of the **User's** responsibility for such loss or damage. Portable computing and telecommunications equipment belonging to Saint Mary's should be used primarily for college-related work. Excessive use for non-College related activities is not appropriate, and, in the case of portable telephone equipment, the **User** may be charged for excessive personal calling if so deemed by the **User's** supervisor. Portable computing equipment must be used in compliance with all applicable copyright laws. This means that only properly licensed software may be installed on the equipment. The **User** will ensure that any licensed software installed on College owned portable computing equipment which is not covered by licenses owned by Saint Mary's, or are open-sourced (free, without restriction), have licenses that permit the installation and use of the software on college-owned equipment. The **User** will also maintain records of the licenses and purchase information of any such software so that it can be produced if required during a copyright audit. Please refer any questions on this requirement to the Director of **CaTS**.

Failure by the **User** to abide this policy may result in the loss of all **User** privileges of portable equipment owned by Saint Mary's.

### **3.2.1.2 Guidelines for Protection of Sensitive and Legally Protected Data on Portable Computing Equipment:**

- Legally protected and sensitive data may not be stored on a laptop hard drive or floppy drive in unencrypted form
- Legally protected and sensitive data must be stored on College file servers (e.g. FS1) , and laptop **Users** should download such data to their computers only on an as needed basis, and remove it from the computer when it is no longer needed
- Legally protected and sensitive data used with a laptop must be stored on a Flash Drive ("thumb drive", "flash memory stick") in an encrypted format, or on other media in encrypted format.
- Flash drives containing legally and protected or sensitive data must be stored separately from the laptop. Legally protected and sensitive data must not be stored on personal computers not owned and maintained by the College. **Users** must report the loss or theft of a laptop, flash drive or any other device containing legally protected and sensitive information immediately to the Chief Technology Officer, and to their supervisors or department chairs. Laptops must have current and active anti-virus and anti-spyware programs running at all times.

(Adopted 09-07-06 TAC)

### **3.2.1.3 Management of Computing Resources**

All Saint Mary's owned computing equipment is managed by **CaTS**. Management includes the installation and maintenance of all application and operating system software. This may include the installation of various software clients that aid in managing Saint Mary's owned computing equipment. No employee is permitted to evade or compromise this management or the capability of management by, including the changing of administrative passwords or rights, nor does the granting of administrative rights on any Saint Mary's owned computer to a faculty or staff member confer the right to remove or alter any method of remote or local management by **CaTS**.

(adopted 03-08-07 TAC)

#### **3.2.1.4 Attachment and Use of personally-owned computing equipment on the Saint Mary's Network by Faculty, Staff and Authorized Third-Party Users**

All provisions of Section 6.0 (Residential and Wireless Networks – see below) also apply to the use of personally-owned computing equipment attached to any portion of the Saint Mary's Network by Faculty and Staff members, or by authorized Third-party **Users**. In all cases where licensing agreements prohibit it, Saint Mary's cannot provide or install software licensed to the College on any non-Saint Mary's owned computing equipment.

(adopted 03-08-07 TAC)

#### **3.2.2 Students**

Saint Mary's recognizes that access to, and use of, **Computing Resources** contributes to an individual's personal and intellectual development. Therefore, student **Users** may use **Computing Resources** for both academic and personal use. However, in an effort to allocate **Computing Resources** fairly, **Users** engaged in personal activities that place an undue burden on **Computing Resources** may be asked to discontinue such use.

#### **3.3 Accounts**

Generally, **Users** are issued an **Account** or **Accounts** at the beginning of his or her relationship with Saint Mary's to gain access to appropriate **Computing Resources**. However, if an individual qualifies for an **Account** but does not have an **Account**, one may be obtained by contacting **CaTS**.

[Follow link to request an Internet/E-mail Account](#)

#### **3.3.1 Passwords**

The issuance of a **user's** password or other means of access to College systems is intended to ensure the appropriate security of College data and information in the systems. It does not guarantee complete privacy for **users'** personal information or sanction improper use of College equipment, facilities or data.

Saint Mary's may, and from time to time, shall monitor any and all aspects of College systems, including but not limited to logon sessions, E-mail use, Internet use, Intranet use, and other uses of **Saint Mary's Computing Resources** to determine if a user is acting in violation of Saint Mary's policies or rules.

In order to protect the security of the College's systems and data, **users** are required to use strong passwords, and to change them at appropriate intervals. Strong passwords are those which are at least eight characters long, containing both alphanumeric characters and non-alphanumeric characters (e.g. #, %, ^, &, etc.)

Appropriate change intervals are currently deemed to be at least once every 180 days for all systems.

This password policy may be enforced by automated systems that will not allow **users** to log in without changing their passwords if they have not done so within the stated time intervals.

(Revised 1-15-09 TAC)

#### **3.4 Adding Computing Systems**

The College seeks to provide necessary resources to meet ' needs. However, individuals seeking to add their own computing systems to **Saint Mary's Computing Resources** must meet with their supervisor (i.e., manager, department chair, or Dean) for approval and then must meet with **CaTS** in order to determine whether **Computing Resources** exist to meet the need.

#### **3.4.1 Hardware and Software**

**CaTS** requests that **Users** refrain from installing/attaching unsupported hardware and/or software to **Computing Resources**. Upon the discovery of unauthorized hardware and/or software, including but not limited to unauthorized software, it will immediately be removed from **Saint Mary's Computing Resources** by **CaTS**. Saint Mary's is not responsible for any lost data due to such removal.

### 3.4.2 Servers

**CaTS** is responsible for the overall maintenance of **Saint Mary's Computing Resources**. An important part of this responsibility is to ensure the overall security of all **Computing Resources**. When computers and devices attached to the network run network services (i.e., web servers, file sharing, e-mail servers, etc.) these services "open" a computer to security risks. When one **Computing Resource** is compromised or "hacked" others on the network become easier to compromise.

Saint Mary's also recognizes the benefit that running these services may have to the educational purposes and business needs of the College. Therefore, **CaTS** strives to provide open and reliable access to these services for the whole College community. Under some circumstance, some non-student **Users** (individual student **Users** are not permitted to run networks or servers) may need to run their own network services on their own machines. Student **Users** may not operate servers on the College's network, only sanctioned student groups are permitted to do so.

Use of networked servers attached to **Saint Mary's Computing Resources** by faculty and staff is subject to the terms and conditions of this **Policy**. The administrator of the attached system is responsible for all traffic that originates from that system. However, because **CaTS** is primarily responsible for all **Computing Resources** the following policies are also in effect:

Faculty and staff run servers on **Saint Mary's Computing Resources** shall be for the purpose of supporting the educational needs and business purposes of the College.

All servers must pass security audits conducted by **CaTS**.

Faculty and staff must register their servers annually with **CaTS**, using the form found at: [/technology/tcc/policy/server\\_registration.html](/technology/tcc/policy/server_registration.html)

### 3.5 Archiving and Retention

Saint Mary's record management policies do not distinguish among media. As such, electronic data and information, including but not limited to E-mail records, are subject to these policies, which include archiving (backing-up) **Electronic Information**. **Users' Electronic Information** is copied in the normal course of business when **Electronic Information** is archived. **Users of Computing Resources** should be aware that despite the sender and recipient having both discarded their copies of an electronic record, there may be retrievable back-up copies. Systems may be "backed-up" on a routine or occasional basis to protect system reliability and integrity, and to prevent potential loss of data. The back-up process results in the copying of data onto storage media that may be retained for periods of time and in locations unknown to the originator or recipient of **Electronic Information**. The practice and frequency of back-ups and the retention of back-up copies of **Electronic Information** vary from system to system.

**Users** should be aware that, during the performance of **CaTS's** duties, staff and other personnel need from time to time to observe certain transactional addressing information to ensure proper functioning of **Saint Mary's Computing Resources**, and on these and other occasions may see the contents of **Electronic Information**. Therefore, the security and confidentiality of E-mail and all other **Electronic Information** cannot be guaranteed

#### 3.5.1 Back-up of College documents and data

In order for the College to properly back up College business documents and data, employees of the College who use Windows-based computing equipment must store any such business documents and data files in the "My Documents" directory on their local computer. This is the only directory that is synchronized with network backup systems, and must be used for the proper and secure retention of electronic business documents and data. (Apple and Linux desktop requirements to follow in a future revision).

(adopted 03-08-07 TAC)

### **3.6 Maintenance**

Any **Electronic Information**, which contains incorrect or out-dated information may be removed until corrected. **CaTS** will attempt to provide reasonable notice of the removal of **Electronic Information**, but reserves the right to act without notice if the situation warrants.

## **4.0 WEB PAGES**

### **4.1 Introduction and Universal Policy: Applicable to all Web Pages**

Saint Mary's College recognizes the educational value of the exchange of **Electronic Information**. Saint Mary's web pages provide the College with the opportunity to share itself, its mission, and its culture over the Internet. Therefore, it supports students, faculty, staff, and other employees in the electronic publication of information and collaborations.

Information posted or made available on **Users'** web pages must be the original work of **Users** and must not be the intellectual property or copyrighted work of other persons or entities, unless appropriate permission has been obtained by the **User**.

Web pages that represent official information about the College are clearly different from those pages that are solely intended for the educational and personal use of **Users**. The College is sensitive to the desire of **Users** to express their ideas on **User** Web pages. Therefore, the College has set forth the following guidelines.

### **4.2 Saint Mary's Official Web Pages**

#### **4.2.1 Purpose**

The Official College pages communicate with internal as well as broad external audiences, including prospective students, alumni, constituents and the general public. Therefore, the appropriate supervisor (e.g., manager, department chair, or Dean), in collaboration with the Webmaster, shall review and approve the content of all official web pages. (Note: the appropriate supervisor for registered student clubs and organizations is the Assistant Dean of Student Involvement.) As well as adhering to this **Policy**, these pages must conform to aesthetic standards (e.g. - font, symbols, and other user interface elements) as well as style guidelines. These standards are located at: (Address TBD)

#### **4.2.2 Official Content**

The official Saint Mary's web pages are official publications of the College. Official pages include content related to academic programs, administrative and student support offices, programs and services, official College programs and intercollegiate athletic teams and activities.

Original text, photographs and graphics appearing on the official pages of Saint Mary's web site are copyrighted by Saint Mary's and may not be reproduced or altered without written permission from Saint Mary's.

#### **4.2.3 Responsibility**

The Webmaster provides for the overall management of the web pages, operational practices and policies and for the presentation of a consistent image within the College's publication standards. **CaTS** is responsible for maintenance of web servers.

#### **4.3 Departmental and Student Organization Web Pages**

Official Departmental and Student Organization web pages provide individual groups within the College an opportunity to share specialized interests and information over **Saint Mary's Computing Resources** generally (e.g. - SMCnet), as well as over the Internet. Departments and Student Organization pages bear official ties to the College and therefore must conform to the requirements found in the section (above) pertaining to official web pages. Included in Departmental pages are any pages developed by faculty and staff to support the mission and business of the College.

Each Department or Student Organization with web pages has the responsibility to maintain its own pages by at least an annual review. Each department and Student Organization is responsible for the editorial content of these pages. **CaTS**, via the Webmaster, provides support to Departments and Student Organizations in the maintenance of their web pages.

To obtain guidelines and support for maintaining web pages see the following: (<http://www.stmarys-ca.edu/news-and-events/college-communications/guidelines/web.html>)

##### **4.3.1 Domain Names**

All domain names used in support of official College departments, programs or activities must be registered by the College, with the College as the official owner of the name and with Computer and Technology Services as the Administrative Contact. Such domain names should also be registered with the College's DNS server as the authoritative DNS server.

#### **4.4 Personal Home Pages**

Personal home pages provide an individual with an opportunity to share personal interests and information to friends, family, and the world at large via the Internet. Personal pages concentrate primarily on personal information and non-professional interests of a **User**. **Users** are afforded extended creative license in structuring these pages. However, Saint Mary's expects **Users** to maintain basic standards of decency, courtesy, civility, and maturity when creating personal pages using **Saint Mary's Computing Resources** or when posting personal web pages on Saint Mary's servers. Any **User** not wishing to comply with this guideline has the option of finding an independent Internet service provider to host that **User's** personal home pages, at the **User's** own expense.

For system administration and general disclosure purposes, each personal web page shall contain contact information for the person responsible for maintenance of the web page. Each page should also contain the date on which it was last updated. This information may be provided as text in the document or as a link. This encourages the page manager to keep it current thus protecting the viewer from unknowingly reading outdated information.

Saint Mary's accepts no responsibility for the content of those personal home pages. Saint Mary's College does not pre-approve, monitor, or exert editorial control over personal pages. Nonetheless, personal web sites must conform to all terms and conditions of this **Policy**.

Personal pages should not carry any Saint Mary's logo, the name, or any abbreviation of, Saint Mary's College of California in such a manner as to suggest that the page is affiliated with Saint Mary's in any way. This does not include a factual statement regarding Saint Mary's being the **User's** web service provider, place of employ or place of study.

**THE PERSONAL HOME PAGES OF SAINT MARY'S COLLEGE STUDENTS, STAFF AND FACULTY DO NOT IN ANY WAY CONSTITUTE OFFICIAL COLLEGE WEB CONTENT. THE VIEWS AND OPINIONS EXPRESSED IN THE PERSONAL PAGES ARE STRICTLY THOSE OF THE PAGE AUTHORS, AND**

## COMMENTS ON THE CONTENTS OF THOSE PAGES SHOULD BE DIRECTED TO THE PAGE AUTHORS.

If activities or content is discovered that may constitute a violation of this **Policy** or is suspected of violating any law, Saint Mary's shall investigate the situation according to the applicable procedure.

Link to Procedure for suspected **Policy** violations or suspected violations of law. (TBD)

**CaTS** provides for the overall management of the personal web servers. The Webmaster processes requests for personal web space. Requests for this web space may be made at the following address: [/college\\_services/its/web\\_services/forms/personal\\_space.html](/college_services/its/web_services/forms/personal_space.html).

## 5.0 ELECTRONIC MAIL (E-MAIL)

### 5.1 General Information: Security and Privacy

The nature of E-mail makes it less private than **Users** may anticipate. For example, E-mail intended for one person sometimes may be widely distributed because of the ease with which recipients can forward it to others. A reply to an electronic mail message posted on an electronic bulletin board or "listserver" intended only for the originator of the message may be distributed to all subscribers to the listserver. Furthermore, even after a user deletes an E-mail record from a computer or an **Account**, it may persist on backup facilities. Saint Mary's cannot protect **Users** against such eventualities.

Saint Mary's is not the arbiter of the contents of E-mail. Saint Mary's is not technologically capable of protecting **Users** from receiving E-mail that the **Users** may find offensive. Members of the Saint Mary's community are strongly encouraged to use the same personal and professional courtesies and considerations in E-mail as they would in other forms of communication, in addition to abiding by the terms of this **Policy**.

There is no guarantee that E-mail sent through **Computing Resources** are in fact sent by the purported sender, since it is relatively straightforward, although a violation of this **Policy**, for senders to disguise their identity. Furthermore, E-mail that is forwarded could be modified by persons other than the original sender.

College E-mail addresses are owned by Saint Mary's. Electronic mail, whether or not created or stored on **Saint Mary's Computing Resources**, may constitute a College record subject to disclosure under certain laws.

**Electronic Information**, including E-mail, is backed up to assure system integrity and reliability, not to provide for future retrieval, although backing up may at times serve the latter purpose incidentally. Under some circumstances, Saint Mary's could be required to disclose to outside parties certain electronic records, including but not limited to E-mail, web pages, or other electronic data archived by Saint Mary's. Saint Mary's may itself access or disclose **User Electronic Information** to law-enforcement agencies or other entities, consistent with this **Policy** and all applicable laws requiring such disclosure.

### 5.2 Representations

E-mail **Users** shall not give the impression that they are representing, giving opinions, or otherwise making statements on behalf of Saint Mary's or any unit of Saint Mary's unless appropriately explicitly authorized (explicitly or implicitly) to do so. Where appropriate, an explicit disclaimer shall be included unless it is clear from the context that the author is not speaking on behalf of Saint Mary's. An appropriate disclaimer is: "These statements are my own, not those of Saint Mary's College of California, its board of Trustees, or its Regents."

### 5.3 Lists and Aliases

Saint Mary's maintains e-mail lists and aliases to enhance the facilitation of communication among the Saint Mary's community, as well as with parties outside of the College community. Certain lists are for critical communication and are accessible only by President and Vice Presidents. Other lists may be created, as necessary, by **Users** working with their appropriate academic or administrative supervisor and **CaTS**. **Users** who participate in e-mail lists are encouraged to exercise good judgement when posting to lists. **Users** posting to a list are also encouraged to be aware of the intended and expressed purpose of the list, as well as the other members of the list.

## 6.0 RESIDENTIAL AND WIRELESS NETWORKS

The Residential and Wireless Networks are shared, finite resources installed by the College to promote scholarship and learning for all students. Accidental or intentional disruption of the residential or wireless networks will deprive others of access to this Computing Resource. Persons attaching computers to the College's residence hall or wireless networks must comply with all other portions of this **Policy**. Additionally, the administrators of the residential and wireless networks have the following specific policies:

### 6.1 Responsibility

**Users** are responsible for all traffic originating from their machine, regardless of whether they generated it or realize that they have violated any specific policies. In most cases, unintentional violations will result in a temporary loss of network access pending the resolution of the problem.

### 6.2 Identification

All machines connected to the residential or wireless network must be authorized by **CaTS** before use. This is done by accessing the authorization web page upon opening a web browser and entering the **User's** Internet **Account** username and password. Network access is not allowed without following this procedure each time the machine is used on the residential network.

### 6.3 Network Addresses

Network addresses on the residential or wireless networks are assigned by the residential network DHCP server. All machines connected to the residential or wireless networks must be configured to use DHCP to obtain their IP network address. Static addresses are not allowed. Any machine found with an address not assigned by the residential or wireless networks' DHCP server will be disconnected.

ResNet subscribers may not register a domain name or alias with an outside provider that points to a machine on the Residential Network.

### 6.4 Routers and Servers

No routers, servers or wireless access points are permitted to be attached to the SMC residential or wireless networks. Any devices that provide such services will be immediately disconnected from the campus network. Ethernet hubs, which allow multiple devices to be connected to a single network jack, are not routers and are allowed.

Most computer operating systems do not provide routing functionality and are by default safe to attach to the network. Some operating systems such as Windows NT, Windows 2000, as well as most Unix and Linux implementations have the ability to provide routing functionality. If a **User** uses one of these operating systems, the **User** must make sure that all routing functionality is disabled. These operating systems also frequently provide server functionality by default. **Users** must make sure that all server services are disabled before attaching such a machine to the residential or wireless networks. Routing and some network services, such as DHCP servers can disrupt the ability of others

to use the residential or wireless networks. If routers or servers are found to be operating, they will be immediately disconnected. All types of servers are prohibited, including but not limited to, web servers, FTP servers, IRC/chat servers, streaming audio/video servers, web cameras, DHCP servers, mail servers, anonymous remailers, and file servers. This includes Windows and MacOS personal file sharing services.

### **6.5 Network Traffic**

Use of any type of "packet sniffing" or other similar program or device by **Users** is strictly prohibited. **Users** may run a packet sniffer in non-promiscuous mode (you may sniff your own machine's packets only). It may not be feasible to provide unlimited connectivity for systems that are not strictly serving the College's missions. Because of this possibility, **CaTS** may limit network usage of residential systems. This may be implemented through bandwidth caps, restriction or blocking of services, or other means.

### **6.6 Security**

**Users** are responsible for the security and integrity of their own systems. If a system has been "hacked" or otherwise compromised, **CaTS** shall disconnect it from the network to prevent it from interfering with the proper operation of the network. Reconnection shall only occur after a thorough test of the system has been done by **CaTS** to verify that the any problem has been corrected.

#### **6.6.1 Virus Protection**

The residential and wireless networks are shared community resources, which means that a computer "virus," "worm" or similar software can compromise the functioning of the entire network and can infect other computers on the network. Consequently, all computers attached to the residential or wireless networks are required to have an approved "virus protection" program installed and running, and currently updated to include the most recent virus protection offered. Additionally, **Users'** computers connected to the residential or wireless networks must have installed all the operating system "patches" provided by the operating system's software company to fix potential security risks in the operating system.

**6.7 Abuse** Systems found to be running programs that disrupt network services or attack (including Denial of Service attacks) machines on or outside the campus network will be disconnected immediately. Depending upon the situation, disciplinary action may be taken by the College.

**6.8 Common Problems: Music files and Software Piracy (warez)** The distribution of copyright protected materials is illegal and is in direct violation of this **Policy**. Distribution of copyright protected software is similarly prohibited unless the copyright specifically allows redistribution, such as software covered under a "freeware" type license, such as the GNU general public license, or by express permission of the copyright holder.

## **7.0 COMPUTER LABORATORIES**

The Computer Laboratories maintained by Saint Mary's, including those at Extended Education campuses and inside residence halls, are resources installed by the College to promote scholarship and learning for all students. Accidental or intentional disruption of Computer Laboratories will deprive others of access to these important **Computing Resources**. Any Person using Computer Laboratories must comply with all other portions of the College's this **Policy**.

Additionally, the following specific policies apply:

### **7.1 Keys**



Keys to computer labs are issued for use only by the person to whom they are issued. Keys to computer labs are not to be loaned to anyone. The physical security of computer labs is not to be compromised in any way, including, but not limited to, leaving labs unlocked when not in use, or propping doors open.

## 7.2 Lab Supervision

Computer laboratories shall not be accessible unless an **CaTS** authorized lab supervisor (i.e., Student Lab Monitor or Instructor with lab access) is on duty in the laboratory. **Users** of the computer labs shall obey the instructions of lab supervisors and other College employees. Behavior that is disruptive to other users of the facility is prohibited. Such behavior might include, but is not limited to, eating, drinking, making excessive noise, using aggressive or abusive language, or playing games.

## 7.3 Software and Systems

**Users** are responsible for leaving computers and workspace in laboratories clean and ready for the next **User**. This requires that **User** closes all open applications, logs out of any attached servers, and removes personal items (including diskettes and printouts) from the computer and workspace. Use of laboratory computers that are logged in under an **Account** other than one's own is prohibited.

## 8.0 PROHIBITED ACTIVITIES

**Users** are subject to all laws and Saint Mary's rules and policies applicable to **User** conduct, including not only those laws and regulations that are specific to computers and networks but also those that may apply generally to personal conduct. Misuse of computing, networking, or information resources will result in disciplinary action, loss of computing privileges, and/or legal action.

### 8.1 Abuse of Resources

**Users** who knowingly and without prior authorization disclose confidential matters will be subject to appropriate discipline by the College, as will those who intercept or enter other College or **User Accounts**, communications, whether or not these relate to confidential matters, will also be subject to discipline, unless 1) the disclosure has also been specifically authorized as provided below, 2) the information was intended to reach the individual receiving the correspondence, 3) the disclosure is necessary to correct improper message routing or to forward miss-routed communications to their intended recipients, 4) the disclosure is to the recipient's supervisor, or other appropriate authority, and the correspondence reached the recipient because of machine or sender routing error, or 5) the disclosure is to the recipients supervisor, and the correspondence seems to contain evidence of improper use of **Computing Resources**, of conduct violating College rule or **Policy**, or of illegal activity.

### 8.2 Examples

Examples of misuse and prohibited conduct include, but are not limited to, the activities in the following list. It is against Saint Mary's **Policy** to engage in any of these actions:

1. Reproducing, distributing or displaying copyrighted materials without prior permission of the copyright owner. This includes text, images, photographs, music files, sound effects, and other legally protected works.
2. Using an **Account**, IP address, computer name or port that you are not authorized/assigned to use.
3. Sharing a password for your **Account**.
4. Deliberately or inadvertently wasting **Computing Resources**.
5. Using **Computing Resources** to harass others, or to create, store, or transmit libelous or obscene materials.

6. Sending chain and junk mail, disseminating mass mail without permission, and creating/distributing mail "bombs."
7. Using **Saint Mary's Computing Resources** to gain unauthorized access to any computer systems. This includes the use of programs such as WinNuke, any sniffer or network monitoring software, Crack or any other software that is used to assist in the compromising of a computer system or **User Account**.
8. Knowingly performing an act that will interfere with the normal operation of third party computers, terminals, peripherals, networks, or any **Saint Mary's Computing Resources**.
9. Knowingly running or installing on any computer system or network, or giving to another person, a program intended to damage or to place files on another **Users' Account** or system without their knowledge.
10. Using applications that inhibit or interfere with the use of the network by others.
11. Attempting to circumvent data protection schemes or uncover security loopholes.
12. Violating terms of applicable software licensing agreements or copyright laws.
13. Masking the identity of an **Account** or machine, or using a false identity.
14. Posting on electronic bulletin boards materials that violate existing laws, Saint Mary's codes of conduct, or any other Saint Mary's **Policy** applicable to the **User**.
15. Attempting to monitor or tamper with another person's electronic communications, or reading, copying, changing, or deleting another person's files or software without the explicit permission of the owner.
16. Using **Computing Resources** for personal or political gain, including running a business for profit or non-profit purposes, promoting and selling products and services, commercial advertising, commercial businesses not authorized by Saint Mary's, etc.
17. Using **Computing Resources** for political campaigning.
18. Student **Users** may not provide services or **Accounts** from student **User** computers to anyone. (e.g. - web servers, FTP servers, software such as Napster (running in file sharing mode) that functionally turns a personal computer into a server, etc.)
19. Registering a Saint Mary's IP address with any other domain name (i.e., www.usersname.com).
20. Capturing passwords or data on the network or Internet not meant for you.
21. Providing a pass-through site to other campus hosts.
22. Modifying or extending Saint Mary's network services and wiring beyond the area of its intended use. This applies to all network wiring, hardware and in-room jacks.
23. To minimize destructive hacking, do not provide information about the networks to News-feeds, Anonymous FTP site, BBSs, etc.
24. Posting private personal information without permission, including but not limited to grades, medical records, or any other information that is protected by law or by Saint Mary's policies.
25. Web pages may not be established on Saint Mary's servers on behalf of non-Saint Mary's organizations, firms, or individuals.

## 9.0 ENFORCEMENT

### 9.1 Revocation of Privilege and Disciplinary Action

Saint Mary's reserves the right to limit or deny access to its **Computing Resources** when any Saint Mary's policies or any applicable federal, state, or local laws are violated or when Saint Mary's receives notice or believes that there is a violation by a **User**. Saint Mary's College will investigate violations of this **Policy** in the same manner as it investigates violations of other Saint Mary's policies or other disciplinary matters. The particular investigative and disciplinary processes that shall be used will depend upon the status of the **User** (e.g., student, faculty, staff, or other). A reference to the full description of the applicable process can be found in the appropriate handbook, employment manual, or employment information packet. **Third Party Users** and other individuals who are subject to this

**Policy** but might not be subject to any other Saint Mary's policy or disciplinary process (e.g., library patrons), may lose the privilege to use **Saint Mary's Computing Resources** for violating this **Policy**.

#### **9.1.1 Minor Violations**

In the case of minor violations, **CaTS** will attempt to contact the **User** by E-mail, telephone, or in person to explain the violation and to attempt a simple resolution of the issue. Should **CaTS** be unable to resolve cooperatively such issues, **CaTS** may take further action as may be necessary to mitigate any potential impairment of other **User's** ability to use **Saint Mary's Computing Resources**, including the temporary removal of **User's** electronic information from **Saint Mary's Computing Resources**.

#### **9.1.2 Major Violations**

In the case of major violations, including but not limited to possible violations of law, in addition to invoking any applicable disciplinary process, **CaTS** will immediately attempt to mitigate any actual or potential impairment of other **User's** ability to use **Saint Mary's Computing Resources**, and to mitigate any actual or potential damages that may occur as a result of the violation of federal, state, or local law. Mitigation efforts may include, but are not limited to, suspension of a **User's** access to **Saint Mary's Computing Resources** and the removal of a **User's** web page(s) or other electronic information or data stored on **Saint Mary's Computing Resources**. Prior notice of the suspension or take down is not necessary. **CaTS** will notify the **User** of the violation and of the mitigation action as soon as is practicable under the circumstances.

#### **9.2 Discovery of Policy Violations Through Routine Maintenance**

**CaTS** staff occasionally, and randomly, examine the routing information of communications and monitor transactions and traffic across **Computing Resources**, to evaluate, among other issues, volume of traffic and the general use of system resources. Saint Mary's periodically may view the content of material transported across its networks or posted on **Computing Resources** as part of its effort to maintain quality service and reliable delivery of electronic information. **CaTS** has the authority to immediately exclude a **User** from any **Computing Resource** where **CaTS** has a reason to believe that a **User** presently poses or may pose harm to the system or its information and/or data, or where **CaTS** discovers, inadvertently through its routine maintenance activities, possible violations of law or policy.

#### **9.3 Reporting**

If a **User** suspects that a particular behavior is in violation of this **Policy**, he or she should contact **CaTS**. Saint Mary's does not expressly monitor the content of **User** web pages and other electronic information, including but not limited to E-mail, for the purpose of enforcement of this **Policy**. However, Saint Mary's will take appropriate action should it become aware of any suspected policy violations (See section 9.2 above).

Since it is impossible for Saint Mary's to anticipate and thus give examples of every possible violation of this **Policy**, other applicable policies, or law, it is incumbent upon each **User** to consider the consequences of his/her own actions. To the extent that a violation of this **Policy** is also a violation of any federal, state, or local law, Saint Mary's shall assist and encourage full enforcement of such laws by the appropriate public entity.

#### **9.4 Violations of Law**

In addition to Saint Mary's disciplinary procedures, a **User** may face other serious consequences imposed by public authorities. Violations of law, if brought to Saint Mary's attention, may result in the temporary or permanent termination of **User's** access to **Computing Resources**. Blatant or repeated violations of law and/or this Policy, will result in CaTS immediately removing a User's web page or other information from Saint Mary's Computing Resources and the User shall be referred to the appropriate party for disciplinary action.

In the case of copyright infringement, Saint Mary's is bound by certain legal procedures designed to mitigate any damage that may be perpetuated by continuing acts of copyright infringement. Saint Mary's has taken reasonable steps to comply with the Digital Millennium Copyright Act (the "DMCA"). In accordance with the DMCA, at 17 U.S.C. § 512 (a), et seq., upon receipt of proper notification by a copyright owner of an alleged copyright infringement, Saint Mary's will expeditiously take all appropriate and necessary actions, including but not limited to, the removal or disabling of access to the allegedly infringing material.

### **Whistleblower Policy: Fraudulent or Dishonest Conduct**

Saint Mary's College of California, reflecting its Lasallian and Catholic values, expects that its faculty, staff and students will act in a manner that is consistent with those values in their use of College resources and property. To protect the integrity of Saint Mary's learning community and to ensure the highest standards of conduct by and among members of that community, the College will investigate any possible fraudulent or dishonest use or misuse of College resources or property by faculty, staff, or students. Anyone found to have engaged in fraudulent or dishonest conduct is subject to disciplinary action by the College up to and including dismissal or expulsion, and civil or criminal prosecution when warranted. All members of the College community are encouraged to report possible fraudulent or dishonest conduct. An employee should report his or her concerns to a supervisor, department chair or program director. If for any reason an employee finds it difficult to report his or her concern to a supervisor or department or program chair, the employee can report it directly to the area Vice President, Vice Provost or Dean of the employee's school. Students should report any concerns to the Dean of Students. Those receiving reports of suspected fraudulent or dishonest conduct involving employees are required to report such conduct to the Director of Human Resources; in the case of students, those receiving such reports (e.g., the Dean of Students) are required to report such conduct to the Vice Provost for Student Life.

### **Definitions**

**Whistleblower:** An employee or student who informs one or more of the individuals identified in the policy statement above about an activity that the employee or student believes to be fraudulent or dishonest.

**Baseless Allegations:** allegations made with reckless disregard for their truth or falsity. Individuals making such allegations may be subject to the appropriate College disciplinary action and/or legal claims by the individuals accused of such conduct.

**Fraudulent or Dishonest Conduct:** a deliberate act or failure to act with the intention of obtaining an unauthorized benefit. Examples of such conduct include, but are not limited to:

- Forgery or alteration of documents
- Unauthorized alteration or manipulation of computer files
- Fraudulent financial reporting
- Pursuit of a benefit or advantage that would create a conflict of interest with one's responsibilities or obligations as a member of the College community
- Misappropriation or misuse of College resources, such as funds, supplies, or other assets or property.
- Authorizing or receiving compensation for goods not received or services not performed.
- Authorizing or receiving compensation for hours not worked.

### **Whistleblower Protections**

The College will use best efforts to protect whistleblowers against retaliation, as described below. The College cannot guarantee confidentiality, however, and there is no such thing as an “unofficial,” “informal,” or “off the record” report. The party to whom such conduct is reported, will keep the whistleblower’s identity confidential, unless:

1. the whistleblower(s) agrees to be identified;
2. identification is necessary to allow the College or law enforcement officials to investigate or respond effectively to the report;
3. identification is required by law; or,
4. the individual accused of violations of this Policy is entitled to the information as a matter of procedural and/or legal right in disciplinary actions.

College employees and students may not retaliate against a whistleblower with the intent or effect of adversely affecting the terms or conditions of employment or enrollment (including, but not limited to, threats of physical harm, loss of job, punitive work assignments, or impact on salary or wages, or the access to educational benefits).

Whistleblowers who believe they have been retaliated against may file a written complaint with the Director of Human Resources, if an employee is involved, or with the Dean of Students if a student is involved. This protection from retaliation is not intended to prohibit the individuals identified above (for receiving such reports of improper conduct) from taking action, including disciplinary action, in the usual scope of their duties and responsibilities that are based on valid employment- or student-related factors.

Whistleblowers must be cautious to avoid baseless allegations (as described earlier in this Policy).

### **Procedures**

The Director of Human Resources, or her/his designee, shall conduct or direct the investigations of all suspected fraudulent or dishonest conduct with such College officials as may be necessary or appropriate at the discretion of the Vice President for Finance. In the case of suspected student conduct reported under this policy, the Dean of Students, or his/her designee, either investigates the suspected conduct or may refer the investigation of such suspected conduct to the College’s Disciplinary Hearing Board (“DHB”), consistent with policies and procedures in place to investigate allegations of violations of student conduct policies. Cases involving possible violation of criminal law will be investigated in cooperation with the Director of Public Safety or his/her designee.

If the facts reported could be a violation of this Policy, the Director of Human Resources or her/his designee or, in the case of students, the Dean of Students, will provide the individual making the accusation with a copy of this policy and review its terms. If the Director of Human Resources or her/his designee or, in the case of students, the Dean of Students, or the DHB, determines that fraudulent or dishonest conduct occurred, the appropriate College disciplinary steps will be invoked consistent with applicable College policies. If it is determined that a violation of this policy has not occurred, the Director of Human Resources or the Dean of Students will explain to the person who has reported the concern or conduct the reason for the determination and advise the person of any other available reporting channels (administrative (to appropriate government agencies) or criminal (to appropriate law enforcement agencies)). Consistent with the requirements of California law, the College posts in Filippi Hall near the Human Resources Department, among other locations, a toll-free phone number for reporting violations of a state or federal statute or regulation to a government or law enforcement agency, or for reporting retaliation by the College for making such disclosures.